

Transcript of Depositions: Albert E. Winkler and Robert E. Smith

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OF BEDMINSTER CITIZENS, a  
of New Jersey,

-vs- Plaintiffs,

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

ALBERT E. WINKLER  
ROBERT E. SMITH

Defendants. )

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TRANSCRIPT OF DEPOSITIONS, taken by and  
RICHARD C. GUINTA, Notary Public and Certified  
Reporter of the State of New Jersey, at the  
Municipal Building, Bedminster, New Jersey, on Monday,  
August 27, 1973, commencing at 10:10 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. BOWLSY, ESQUIRE**  
Attorney for Defendant Planning Board  
(Not appearing)

Nov 7 9 09 AM 1973  
SOMERSET COUNTY  
CLERK

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I N D E X    T O    W I T N E S S E S



DIRECT

CROSS

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ALBERT E. WINKLER

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Mr. Strong

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Mr. English

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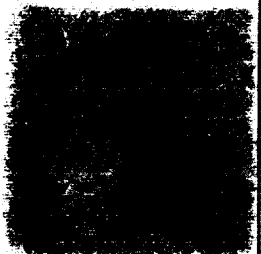
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ROBERT E. SMITH

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Mr. Strong

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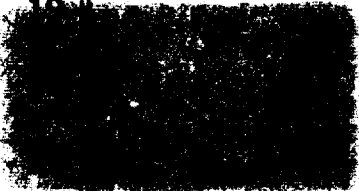
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1           A L B E R T   E.   W I N K L E R, sworn.



EXAMINATION BY MR. STRONG:

2           Winkler, you understand, do you not, from  
3           me, that today you're going to be asked a  
4           series of questions about the zoning Ordinance and  
5           related matters, that your testimony is being taken  
6           down stenographically, that what you say here today can  
7           be used in a courtroom at the trial of the action in  
8           which this is taken.  
9

10          A           I understand.

11          Q           How long have you been mayor, sir?

12          A           Since 1969.

13          Q           And are you a member, also, of the Township  
14          Planning Committee?

15          A           Yes, I am.

16          Q           Planning Board?                   A           Yes.

17          Q           How long have you been a member of that committee?

18          A           John, way back, I think I've been down there

19          for '61. I've been on the Planning Board for

20          were on the Planning Board before you were on  
21          the Township Committee?

22          A           No. I was always on the Township Committee, then  
23          on the Planning Board.  
24

25          Q           You were a committeeman until 1969?

1 A I beg your pardon?

[REDACTED] were a committeeman until 1969 and then you  
[REDACTED] mayor.

5 Q How many members are there on the Planning Board?

6 A Seven.

7 Q Give their names.

8 A You want to give their names?

9 A Sure. Mr. Fales, Fred Fields, Mr. Smith, Mr. Gavin,  
10 Mr. Vavrek, of course, I, and there's one more [REDACTED]  
11 did I miss?

12 Q Mr. Haller?

13 A Mr. Haller. I'm sorry.

14 Q Were they all members of the Planning Board during  
15 the last two years, since 1970 to the present time?

16 A No, they weren't.

17 Q What changes were there made from 1970 until today?

18 A Mr. Haller was appointed, Mr. Haller new member,  
19 [REDACTED] is a new member, and Mr. Fales a new member.

20 [REDACTED] they were all appointed in what year?

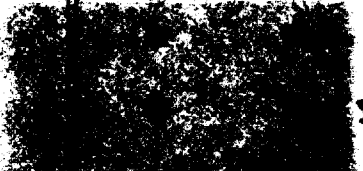
21 [REDACTED] I don't get the exact dates. Within the past  
22 four years since I've been there -- as chairman.

23 Q Well, since 1970. That would be during the past  
24 two and a half to three years.

25 A Yes.

1

Q The dates you don't know.



To my knowledge I don't know the dates.

Are you familiar, first, with an application by  
the American Tel & Tel, Long Lines Division, to come  
into Bedminster Township?

5

A Yes.

6

7

Q Do you know when they first opened an office or  
otherwise made an approach to the township or township  
officials to come into Bedminster?

8

9

10

A Exact dates I can not give you, but it's  
a year.

11

12

Q Did they open an office in Bedminster?

13

A I'm quite sure they did, yes.

14

Q Do you know the location?

15

A It's on Hillside Avenue, Lexington Road, at the  
corner.

16

17

Q Do you know who the owner of that property is?

18

A Yes, I believe it belongs to -- yes, I know it

19

Mr. Bassett, William K.B. Bassett.



rent approximately an entire floor in that

22

A I really don't know how much square footage they do  
rent. I don't know.

23

24

I know they have a part. What part, how many square  
foot or what they have, I don't really know.

25

1 Q Presently, late August of '73, they rented the  
2 [REDACTED] October or November 1971?

3 [REDACTED] Strong, I can't -- I don't recall. I mean,  
4 [REDACTED] don't know.

5 Q It would be nearly two years.

6 A It would be close to two years. What dates, I  
7 don't know.

8 Q Do you know of your own knowledge how that office  
9 is staffed? Whether they have one or five personnel or  
10 one or three secretaries or whatever? [REDACTED]

11 A No, I don't. I know there's a secretary [REDACTED]  
12 I know Mr. Agee has his office there, and I know  
13 Mr. Pierce is there. That's the only three that I know.

14 Q These men have been there constantly since they  
15 rented the quarters?

16 A To my knowledge, I think they have been.

17 Q When was your first contact with either Mr. Pierce  
18 or Mr. Agee, after they rented the building, or that part  
19 of the building they occupy?

20 [REDACTED], it's been over a year or so ago. I can't  
21 [REDACTED] dates.

22 Q Were you in contact with them or they with you  
23 prior to the time they rented in that building?

24 A When they rented?

25 Q Prior to the time that they rented, were you in

1 contact with them or they with you?

2 [REDACTED] they with us?  
3 [REDACTED]  
4 [REDACTED] they came to us.

5 Q As -- you as the mayor?

6 A As the mayor, yes.

7 Q What did they come to you about?

8 A Well, saying that they were going to open an  
9 office, and they were going to plan on building in the  
10 Township of Radminister. [REDACTED]

11 Q When was that, that they mentioned this  
12 the mayor?

13 A This is well, way over a year ago, when they first  
14 approached us.

15 Q Yes.

16 Well, it's nearly two years ago that they rented.  
17 So that would be I presume October, November '71. This  
18 is August '73. If I understand your testimony, they had  
19 [REDACTED] with you prior to their renting. So when  
[REDACTED] was over a year, would it be over two years?  
[REDACTED] we get the dates straight.

22 Q Take your time.

23 A I'm quite sure that -- this is '73 -- I think  
24 they came somewhere in November of '72, could be, to  
25 the best of my knowledge.



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Q And November of '72 is less than a year ago.

[REDACTED] no -- November '72 -- I'm sorry. '71. '71,  
[REDACTED] sorry. '71.  
[REDACTED], did they come to you and discuss with you

that they were going to open an office before they opened it?

A Not to my knowledge. I think they were here. Not to my knowledge.

Q When they first mentioned having an office here, they were already here?

A Yes, quite sure they were already here.

Q What was the substance of the discussion then the first time that you had one with them?

A What was the discussion?

Q The substance of it.

A Well, that they -- they have opened an office here, and they plan to purchase the land over there, and they would like to build in the Township of Edminister.

[REDACTED] land over there you mentioned, is that the  
The requested rezoning?

That was on the -- it was on the Master Plan as EG.

Q Did they tell you they had already purchased it?

A No, they did not.

Q Did they say they were going to purchase it?

1 A They had plans to.

2 [REDACTED] discussion, was this at a Township Committee

3 [REDACTED] This was sort of an executive meeting.

5 Q Executive meeting of the Township Committee?

6 A In this hall.

7 Q But not a regular Township Committee meeting or  
8 a special meeting of the committee.

9 A No, it wasn't.

10 Q It was an executive committee meeting.

11 A Yes.

12 Q Who were the executive committee members  
13 met with them?

14 MR. ENGLISH: Excuse me. He said  
15 it was an executive meeting. I don't think  
16 he said the Township Committee.

17 Q Is there a distinction? The Township Committee  
18 in executive committee meeting or just what is it,

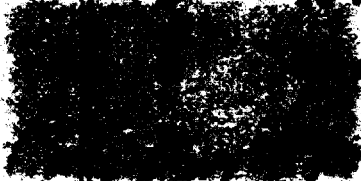
19 [REDACTED], as executors of the township, the three of  
[REDACTED] Mr. Lorillard, Mr. Grvin and I.

22 Q In other words, it was the same group, the  
23 Township Committee, but it was in a private or executive  
24 session.

25 A That's right.

1 Q Where was the meeting held?

2 A It was held here in Townhall.



3 Q Did any members of the public invited?

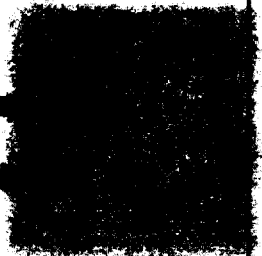
5 Q Had there been a request that the public be  
6 invited or not be invited?

7 A There had been no question at all, no.

8 Q How did the request come to you for the meeting?

9 A The request came to me from Mr. Agos, he asked  
10 if we could meet with them.

11 Q How long after if I understand you correctly  
12 was this, how long after they opened their office?



13 A That they came to us?

14 Q This meeting you just described.

15 A The date I can not answer.

16 Q I don't need the date. I just want to know how  
17 long after, a month, two weeks -- or even if it was  
18 before --

19 A Something, if any, in a month or after.



20 Q Did it cold weather? A Yes.

21 Q Were both Mr. Agos and Mr. Pierce present  
22 at this executive meeting?

23 A I know Mr. Agos was here. I don't recall who else  
24 was here.

25 Q Did they present plans, drawings?

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A No.



signatures?

A They did not.

they have any documents with them?

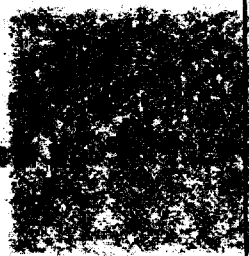
A No. Not to my knowledge.

Q Did you members of the executive committee, and, of course, the three Township Committee members, question them, and go into what they had in mind for this township?

A No.

Q How long did the meeting last?

A No more than an hour. Less than an hour would say.



Q Well, was there anything else discussed, other than what you've told us, namely, that they were going to open an office here?

A No, not to my knowledge, no.

Q Well, would it take an hour to go into just that?

A Well, they said public relations, they would --



would be an addition to the town, and they --  
in our townships and municipalities, they --  
through all of this.

Q Was there any requirement or provision or ordinance or resolution of the township that they had to meet certain requirements in order to, a, open an office, or, b, have a public relations person here?

1 A Was there anything?

2 [REDACTED] I'll ask it another way. What requirements  
3 [REDACTED] for them to meet before they could have a  
4 [REDACTED] public relations person here?

5 A Well, their requirements when we met with them  
6 was on the Master Plan, it was the RO section, it's always  
7 been on RO.

8 Q Maybe you misunderstand me.

9 My question is, in order for them to either open  
10 the office or to have a public relations person  
11 were there any requirements that they had to meet  
12 whether it's a license or a permit?

13 A No, not to my knowledge.

14 Q And did they in fact obtain any license or  
15 permit or whatever from the township to do that?

16 A No, unless it went through the building inspector,  
17 and that was Mr. Ramsey.

18 Q Mr. Ramsey was building inspector in November of '71?

19 [REDACTED]  
20 [REDACTED] you familiar with any ordinance provision or  
21 [REDACTED] that they have to meet any requirements?

22 A No, to my knowledge, no. Only on the sign, which  
23 I understand had a problem.

24 Q When did you stand for re-election after the  
25 offices were opened by AT & T?

1 A When did I stand for election?



2 Q [Redacted] is '73, must have been '72, yes.

3 Q Did you go through a primary election in the  
4 spring of 1972?  
5

6 A Yes, I did.

7 Q Was there any opposition candidate?

8 A No.

9 Q Did you take a stand on this problem about AT&T's  
10 desire to come in here?

11 A Yes, I did.

12 Q Before you took that stand, had you had  
13 meetings with Mr. Agee and Mr. Pierce or other AT&T  
14 representatives? After the one that you mentioned.

15 A I understand what you mean, John.

16 We had a group meeting, at what date I really  
17 don't know. It was in the spring, I believe, that  
18 they showed us the model of what they had down at their  
19 [Redacted] and what their plans were.

20 Q [Redacted] group, meaning of whom?

21 [Redacted] Planning Board, Township Committee, Board of  
22 Adjustment, a lot of local people.

23 Q So ten or more township officials?

24 A I would say ten or more.

25 Q Now, this was in the spring of '72.

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A Yeah, this would be in the spring of '72.

Q Were there other meetings before that meeting with those officials, either yourself and the Township Committee members or Planning Board members?

A Before?

Q Yes, before the group meeting you just told us about.

A Not to my knowledge, I don't think so. I don't recall any.

Q Now, did you keep in contact with them and with you at the offices of AT&T here in Bedminster?

A Did they keep in contact with us?

Q Yes. Or you with them.

A They have kept in contact, I think, with the other Planning Board members, with what the plans are.

Q This office that they have is just down the street here at the intersection with the main street in Bedminster, isn't that correct?

A It's the foot of Hillside Avenue, corner of [redacted] and Hillside Avenue.

Q To get to this place here, you automatically go past that intersection, anyway, where their offices are.

A Right.

Q When did the Long Lines Division of AT&T make their first application to the township, either the Planning

1 Board or the Township Committee?

MR. ENGLISH: Excuse me.

You mean a formal application for  
a zoning change or --

5 MR. STRONG: Anything in writing  
6 the first time.

7 A That's in the files. I don't know the exact  
8 date of that. But they wrote us a letter on that,  
9 I'm quite sure it's in the files. The exact date I  
10 really couldn't answer that. It's in the file  
11 somewhere.

12 Q It would be after the group meeting?

13 A Yes, I would say yes, John, I would say yes.

14 Q Would it be June or July of '72? As near as  
15 you can recall.

16 A You know, it was a year ago yesterday that our  
17 chairman got killed.

18 Q That's the Planning Board.

19 A Yes, Sam Martin. I'm just trying -- because he  
was handling all of that.

MR. ENGLISH: If you don't remember --

22 A No, I don't. I really don't know. It was kind  
23 of confusing, Sam Martin was handling --

24 Q Mr. Martin was opposed to their coming in here,  
25 was he not?



1

A I really don't know, John.



man, I never got that close to him.

were a member of the Planning Committee. You

remember, don't you, Mr. Mayer?

5

A John, Mr. Martin was on the Planning Board, the

6

chairman.

7

Q He was chairman. And you were a member.

8

A Right.

9

Q And isn't it a fact that he was opposed to their

10

application?

11

A Not to my knowledge.

12

Q Was he for it?

13

A Talking with him, yes, he was for it. He was

14

considering it. I don't say he was acting for it.

15

Q Well, he had to consider it as a chairman, right?

16

A Yes. And what his thoughts were, as I answer that,

17

because I didn't go into any details of further discussion.

18

Q And what his position was you say you don't know.



question is, when was the first formal application

written document, by AT&T, to come into Redminister?

22

A Mr. English, I haven't got the exact date. I

23

really don't know. That's all I can say, truthfully.

24

It's on file. There's a letter that's on file in this

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building somewhere.

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Q Was this by means of a letter?



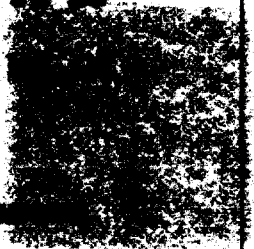
I'm quite sure it was.

What did the letter request?

MR. ENGLISH: Mr. Strong, would it be helpful if we asked the municipal clerk to see if he can conveniently find the letter?

MR. STRONG: Yes.

THE WITNESS: Frank, would it be in the Planning Board -- it would be in the Planning Board.



THE CLERK: I don't have access to these records.

Q That document is not available here.

A I beg your pardon?

Q That initial document I requested is not available here. Of course, I didn't subpoena it and I didn't --

A Of course, it's in the Planning Board files and the Board files are here.



I interrupt you, Mr. Mayor? You started to say.

A No. I was saying that the biggest confusion was when Mr. Martin got killed. I just can't answer. I'd like to know the date myself. I don't recall the date when they did send us the letter.

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Q Was there a hearing held in July 1972, on an application by the AT&T Long Lines Division for an amendment to the Zoning Ordinance?

A Again, I can't recall. I can't answer that one, no. I really don't know. To my knowledge I don't know what month it was.

Q Well, weren't there meetings held in the summer of 1972?

A On the application of the AT&T?

Q Yes.

A Not to my knowledge.

Q What is the first one that you recall?

A Mr. Strong, I don't know. I can't answer that. I don't recall. I don't remember.

Q Before they made an application to the Township Committee, is it the procedure that they apply to the Planning Board for their approval?

A The procedure is to apply to the Planning Board.

Q When did they apply to the Planning Board?

A I'll say that's a Planning Board record. I don't recall the Planning Board, but I just don't recall the month or day.

Q How long before there was an application before the Township Committee itself?

A We have no records on any of that.

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THE CLERK: No.



the application from AT&T to --

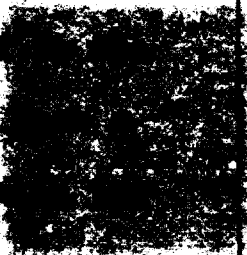
THE CLERK: It's the Planning Board.

a Planning Board function, yes. It would be on the Planning Board level.

Q Was there some action taken by the Planning Board on their application?

A Yes, there was. What date and what time, I don't recall.

Q Between the time that they first applied to the Planning Board and the time the Planning Board vote on it, how many times were meetings held with AT&T representatives?



A Meetings, I don't think there was any meeting held. The only meeting I remember is when the Planning Board -- is when -- the date and the month and time I don't recall, is when Mr. Huff presented it here that night, and that was the public hearing -- or a public meeting. That's the only meeting I recall.



Mr. Huff appear before the Planning Board or the committee?

A The Planning Board, yes.

Q Were their documents presented? By him or anyone else.

A Yes, there was, yes.

1

That's in the Planning Board file.



the Planning Board take a vote on it at that

we did not.

5

Q Do you know how long after you took a vote?

6

A Not the date, John, I can't remember. I know it's on file.

7

8

Q Of your own knowledge, what public relations and what procedures, what course did the AT&T representatives take, from their office here in Bedminster?

10

11

A Word that again? State that again now.

12

(Whereupon, pending question

13

back by the reporter.)

14

A From their office?

15

Q Yes.

16

A Well, I --

17

Q Let me see if I can assist you. Did they distribute literature?

18

19



they distribute literature to us?

throughout the township.

had little pamphlets.

22

Q Did they distribute them?

23

A Yes. I think we have some, yes.

24

Q Did they have any other type of campaign to

25

persuade the individuals of this township about their

1 efforts to come here?

2 A Yes. The only thing I know is just those little  
3 pamphlets, what they represent.

4 Q To your knowledge, that's the only --

5 A That's the only --

6 Q That's the only course they took, the pamphlets  
7 distributed?

8 A Yes.

9 Q Now, Mr. Mayer, the vote taken by the members  
10 of the Planning Board on this application resulted in  
11 an approval by the Planning Board for rezoning  
12 of land, so that AT&T could obtain a permit to build  
13 here, is that correct?

14 A Would you read that back to me again, please.

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

17 A Nick, I'm a little confused.

18 Q Well, let me just rephrase that.

19 There was a vote taken by the Planning Board.

20 There was a vote taken by the Planning Board.

21 What was that vote?

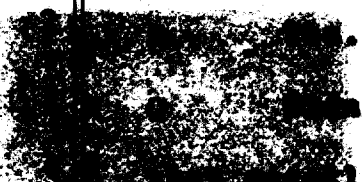
22 A On the application of the AT&T.

23 Q And the application being to do what?

24 A To accept the AT&T application.

25 Q You say it was an application to accept AT&T into

1 the township.



Q ... didn't that entail doing something else? Didn't  
that entail rezoning?

5 A Yes, it did.

6 Q What was the resolution that was adopted as a  
7 result of that vote?

8 A What was the resolution?

9 Q What was the resolution that was adopted?

10 A You mean the wording of it?

11 Q The substance of it.

12 A I don't remember that, John. I can't recall the  
13 substance or the wording of it.

14 Q Well, would the substance of it be to accept AT&T  
15 into the township, as you stated --

16 A Right.

17 Q And would it be to rezone the 111 acres, or is that  
18 a separate vote?

19 A ... trying to think, what was that.

20 ... was a vote to accept AT&T, this I'm quite

22 Q That was the substance of one.

23 A Yeah, right.

24 Q Was there a subsequent or another vote by the  
25 Planning Board, and I'm referring now to rezoning of any

1 tract of land. If you recall.

2 I don't recall. I don't recall.

3 I believe you stated that when the representatives  
4 first approached you, they did not yet purchase  
5 the land that they subsequently purchased from Schley.

6 A Not to my knowledge.

7 Q I'm sorry, I didn't hear that.

8 A Not to my knowledge, John.

9 Q Do you know when they purchased that property from,  
10 I believe, Kenneth Schley and other Schley heirs?

11 A No, I do not.

12 (Discussion off the record.)

13 (After discussion.)

14 Q Did AT&T buy one tract of land from one seller,  
15 did they buy two tracts of land? I'm talking about  
16 the particular property we are concerned with here.

17 A My knowledge now, John, they bought the first  
18 tract of land, or they had an option on it, and then  
19 they had options on other parts of land.

20 Part of the land is in Far Hills, is it not?

21 Part of the land in Far Hills, and they have  
22 the option, I believe, on -- let's see.

23 The west side -- the west side of 287.

24 Q The land in Far Hills, that is the land that they  
25 either purchased or obtained on option from Basset.



1 A Basset, yes.

2 What about the land which is in our township,  
3 in Bedminster? Who was that acquired from, if you know?

4 I think it was -- I'm gonna guess. I think it  
5 was the Schley family, from the Far Hills Development  
6 Company.

7 Q Through an intermediary of the firm of Wharton,  
8 Stuart, Davis.

9 A Yes, I think the Schley tract.

10 Q The particular tract we're concerned with  
11 here on rezoning is that tract in Bedminster, and it  
12 consists of approximately 111 acres.

13 A Yes, as near as I recall the acreage, yes.

14 Q When you were first approached by AT&T personnel,  
15 I believe you mentioned the name Agee and Pierce. I  
16 believe you said AT&T had not yet acquired the 111 acres  
17 of land. If you know.

18 A To my mind, knowledge, I don't think they acquired  
19 the land, I don't think.

20 Do you know how long after their initial approach  
21 members of the Township Committee they did buy it?

22 A No, I do not know.

23 Q Did they buy it before the vote of the Planning  
24 Board for approval of their application to come into  
25 Bedminster?

1 A To my knowledge, I don't know.

2 [REDACTED] The Township Committee, of which you were mayor,  
3 [REDACTED] the resolution adopted by the Planning Board  
4 [REDACTED] AT&T's application to come in here, is that  
5 right?

6 A Yeah. We had a resolution from the Planning Board.

7 Q When did you get that resolution? Approximately.

8 A That would be sometime in '72, to my knowledge.

9 Q Well, yes. We're all sure it was in '72,

10 I would like to try to pinpoint it more. [REDACTED]

11 A What month?

12 Q The month, if you can. You can't recall [REDACTED]

13 A No, I don't recall.

14 Q How many meetings did the Township Committee  
15 hold after that resolution was submitted to you, as  
16 mayor of the Township Committee, on this application?

17 A On the application.

18 Q Yes.

19 [REDACTED] to my knowledge.

20 [REDACTED] l, was there a meeting in July 1972 to  
21 [REDACTED] the resolution adopted by the Planning Board?  
22 July or August?

23 A Not to my knowledge, because -- what's confusing  
24 this is Mr. Martin.

25 As I recollect, wasn't anything done after

1 Mr. Martin passed away.

Mr. Martin was killed in an automobile accident  
in August of '72.  
Yes.

5 Q Well, before August of '72 --

6 A Not to my knowledge, I don't recall it. I  
7 don't remember.

8 Q And that's a year ago, August of '72.

9 A Yeah.

10 Q Before August of '72, did the Township  
11 have under consideration the resolution adopted  
12 the Planning Board that we're speaking of?

13 A Yes.

14 Q They did have it under consideration.

15 A Well, they got a resolution from the Planning  
16 Board, recommending it.

17 Q What considerations did the Township Committee  
18 have or give to this resolution?

19 A The recommendation from the Planning Board.

20 Q Did you take a vote?

21 A Yes, by the Township Committee or the Planning Board?

22 Q Township Committee. Did it take a vote on the  
23 resolution?

24 A Yes, it was all voted on, yes.

25 Q Did the Township Committee approve the resolution

1 of the Planning Board?

[REDACTED], John, sure, yes.

[REDACTED] what action did they approve it?

[REDACTED] a motion.

5 Q And when was that adopted?

6 THE WITNESS: Frank, I defer to you.

7 THE CLERK: I don't recall.

8 A It's on record here, that's all I can say.

9 Q Well, was it before or after the death of  
10 Mr. Martin that we spoke of a moment ago?

11 A I recall it was after the death. Sometime  
12 me after the death of Mr. Martin.

13 Q What course did this application take after  
14 the Township Committee adopted a motion approving the  
15 resolution?

16 A Then it was referred back to the Planning Board.

17 Q And for what purpose?

18 A For their planning.

19 Q And did this relate to rezoning?

[REDACTED] to this point, was there anything before the  
22 Township Committee regarding rezoning of this 111 acres?

23 A Not to my knowledge, no.

24 Q So that all this time, the resolution and the  
25 motion adopted relate solely to AT&T's application to

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come into Bedminster.



...t, this rezoning?

MR. STRONG: Read the question back.

(Whereupon, pending question read  
back by the reporter.)

A Yes. Sure, yes. Yes, John.

Q When was the first consideration given to rezoning  
the 111 acres?

A It had to be, I would say, in January of '73,  
the first part of the year.

Q January of '73.

A Somewhere in the first part of '73.

Q Is this normal or regular, to wait from approximately  
August until January, that length of time?

A Is it normal procedure?

Q Yes.

A I think with the Planning Board's study, it is.

Q And in January of '73 the Planning Board adopted  
a resolution for rezoning this 111 acres?



...oning the whole township.

...l, my question is direct and only to the  
111 acres.

A Yes.

Q Before I go further, Mr. Winkler, I would like  
to ask you; what is your occupation?

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A I'm a superintendent.

Q [REDACTED] whom are you employed?

A [REDACTED] employed by Brady Security Realty Corporation.

Q [REDACTED] that the full and correct name?

A Yes, Brady --

Q Does that company own land in Bedminster?

A Yes, it does.

Q Do you know approximately how many acres?

A In Bedminster?

Q In Bedminster.

A The exact acreage, I really don't recall.

Q As near as you can.

A A couple thousand acres.

Q Nearly ten thousand?

A No, two.

Q Nearly two thousand. A Yes.

Q Are you superintendent also for another Brady Company?

A No, I'm not.

Q [REDACTED] there a Sterling Security Company?

A [REDACTED], that's Sterling Security.

Q Is that composed of Brady family members?

A No, it's not.

Q It is not. A It is not.

Q Does that own land in Bedminster?

1 A Yes, it does, yes.

2 Q Do you know approximately how many acres that

3 [REDACTED]  
4 [REDACTED] John, I don't know.

5 Q Is it more or less than two thousand?

6 A Oh, yes, it's small.

7 Q Isn't it a fact, though, Mr. Mayor, that the  
8 Sterling Security Corporation is a corporation of  
9 several members or relatives of the Brady family?

10 A Definitely not.

11 Q It is not. A Definitely

12 Q How long have you been superintendent for  
13 Brady Realty Company that you mentioned?

14 A Since 1961, February first.

15 Q And as superintendent, what, just generally,  
16 are your duties?

17 A My duties is to maintain the buildings, oversee  
18 the buildings.

19 Q And the grounds?

20 [REDACTED] the grounds, yes, sir.

21 [REDACTED] are the officers of this Brady Company?

22 A I really don't know the trustees.

23 Q Do you know who the president is?

24 A Yes, Mr. James C. Brady.

25 Q Vice-president, secretary, treasurer?

1 was August 1971.

2 I know.

3 A I know it was in August or September. It was  
4 close to that.

5 MR. STRONG: That [REDACTED].

6 I really wanted [REDACTED]  
7 date. I'm not sure the [REDACTED] know.  
8 August of 1971.

9 A August of 1971.

10 Q Did the Alan Dean suit -- the suit had been filed  
11 against the township, did it have any bearing on the  
12 decision to rezone the township?

13 A It did, yes.

14 Q Did the application of AT&T for a permit --  
15 rather, for --

16 A Application.

17 Q --an amendment to the Zoning Ordinance have any  
18 bearing on the decision to rezone the entire township?

19 A Did you say amendment?

20 Q The amendment to the Zoning Ordinance.

21 A Amendment to the Zoning Ordinance.

22 Q Yes.

23 A Did it have any bearing on it?

24 Q Well, let me withdraw that question.

25 Did AT&T's application here in the township to come



1 A No, I don't know that.

2 Q Other members?

3 A They are family. They are all family members.

4 Q Is there some interconnection between this Brady  
5 Realty Company -- I'm not using the correct name,  
6 I realize.

7 A It's Brady Security.

8 Q And the Sterling Security Company?

9 A No, there's no relation, to my knowledge.

10 Q There's no inter-relationship between the

11 A Not to my knowledge.

12 Q The same officers or trustees?

13 A Not to my knowledge.

14 Q Do you know who resides on the two thousand  
15 acres that Brady Realty Company owns?

16 A Who resides on them?

17 Q Yes. What Brady family members reside there?

18 A Well, it would be all the children of the late  
19 J. C. Brady.

20 Q The J. C. Brady you talk of is Junior.

21 A The J. C. Brady I'm talking about is Senior,  
22 passed away two years ago May.

23 Q And now it's J. C. Brady, Jr., who is the  
24 president.

25 A The son, yes.

1 Q Does he live within this two thousand acre



3, he does.

4 Q Are there other Brady family members who live  
5 there?

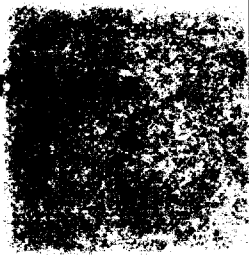
6 A Yes. He has a brother.

7 Q What's his name? A Nicholas.

8 Q Any other Brady members?

9 A And two daughters.

10 Q The two daughters would be sisters of N  
11 and James.



12 A Yes.

13 Q And they are married and have their own homes?

14 A Yes, sir.

15 Q Is this tract or area strictly owned by members  
16 of the Brady family? There are no outsiders living on  
17 the land?

18 A Not to my knowledge. No, not to my knowledge.



19 the Township Committee ever take a vote on  
20 the 111 acres of AT&T? I'm not talking about  
21 new Township Ordinance, I'm talking about  
22 the rezoning of 111 acres.

23 A Not to my knowledge, John.

24 MR. ENGLISH: I'm sorry, I didn't  
25 hear the answer.

1 A Not to my knowledge.

2 initially, when AT&T opened offices here and  
3 subsequently when they presented an application to  
4 the Planning Board, and a resolution was submitted to  
5 the Planning Board on -- to the Township Committee,  
6 the Township Committee adopted a motion, all of that  
7 was strictly relating to rezoning 111 acres, was it  
8 not?

9 A No.

10 Q What was it in relation to?

11 A John, I don't recall.

12 Q Excuse me?

13 A I don't recall it. The wording -- I don't know  
14 what it was. I can't recall it.

15 Q Well, I'm not asking you to give us the wording,  
16 of course, Mr. Mayor, but I'm asking you the substance.

17 A Yes. I don't recall the wording of it -- or --  
18 or the substance of the wording.

19 Q And the substance, am I wrong in stating that  
20 the substance of it was simply as to AT&T's application  
21 to the township, or, as related to that,  
22 to rezone 111 acres?

23 In other words, for an amendment to the Zoning  
24 Ordinance?

25 A I don't think so, John, no.

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Q Are you stating, Mr. Mayor, that the AT&T did  
an application for an amendment to the Zoning



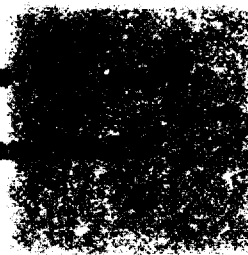
A To amend the 111 acres so that they could obtain  
a permit to build there?

A The substance of it, John, I can not answer.

Q You can not answer. A No.

Q This is all within the past year, now, is it  
not?

A Yeah, sure. Puts you back in -- that's  
think I can say, Frank has it on record here  
the substance of it is I just can't recall.



Q Wasn't there a change in direction at some point  
when the township Planning Board and/or the Township  
Committee began to think of a complete new Zoning  
Ordinance?

A Would you read that back?

(Whereupon, pending question read  
back by the reporter.)



MR. ENGLISH: I object to the  
form of the question about the change  
of direction, I would suggest the question  
be amended to inquire if there was something  
about an idea of rezoning the whole township.

MR. STRONG: That's what I asked him.

1                   They were first talking about amending  
2                   the Zoning Ordinance and now I'm asking  
3                   if they didn't decide now to take up an  
4                   entire new ordinance for the township.

5                   In other words, --

6           Q       Wasn't there, Mr. Mayor, a change from just  
7           considering the application of AT&T to rezone 111 acres  
8           to now adopting an entire new Zoning Ordinance?

9           A       That's right, yes.

10          Q       That's correct.

11          A       Yeah. In other words, zoning the 111 acres  
12          Planning Board members decided we'd rezone the  
13          township.

14          Q       When did they decide now to rezone the entire  
15          township?

16          A       When did they?

17          Q       Yes.

18          A       This again I think is back in the first part of  
19          '73, in January '73.

20          I think it was recommended from the Planning Board  
21          the whole township.

22          Q       And who made the recommendation?

23          A       The Planning Board.

24          Q       Well, someone brought it up to the Planning Board.  
25          Who did that?

1 A I really don't recall that. It wasn't me. It  
2 [REDACTED] our attorneys, it could have been our attorneys,  
3 [REDACTED] have been our -- Mr. Agle.

4 [REDACTED] Do you know whether the suggestion that the  
5 entire township be rezoned came from the planning  
6 consultant, Mr. Agle, a member of the Planning Board,  
7 or anyone else?

8 A I'm quite sure all the Planning Board was involved  
9 in the whole thing on the changing of the Zoning Ordinance.

10 Q How often does the Planning Board have [REDACTED]  
11 public meetings, once a month or twice a month?

12 A Once a month, the third Monday of each month.

13 Q How often does the Township Committee meet?

14 A Except June, July and August, we meet twice a month,  
15 the first and third Monday.

16 Q Was it publicized?

17 MR. ENGLISH: Excuse me. Was what  
18 publicized?

19 [REDACTED] consideration of rezoning the entire township.  
20 [REDACTED] it publicized?

22 My question being -- at a meeting or whatever.

23 A Not to my knowledge, John, no.

24 Q Do you know how long they had this under consideration?

25 A Before they went ahead and done it?

1 Q Yes.

2 [REDACTED] not to my knowledge, I don't know how long.  
3 [REDACTED] eventually came out at the Township Committee  
4 meeting that they were going to rezone the entire  
5 township, did it not?

6 A I believe so, yes.

7 Q When? What meeting? What month?

8 A I can't recall that. I don't recall it.

9 Q Well, was it before August of -- withdraw that.  
10 Was it in the springtime of '73 or when  
11 recall?

12 A I'm sure you recall the March fifth meeting  
13 public hearing of the new Zoning Ordinance, so it was  
14 really worked on months before that.

15 Q They worked on it months before that?

16 A Before we brought it out to the public hearing,  
17 which that was March fifth.

18 Q How many months before that had they been  
[REDACTED] this, Mayor?

[REDACTED] change?  
[REDACTED] rezoning of the entire township.

22 A I don't recall, I don't remember the time.

23 Q Would it be three months, six months, nine months?

24 A I'm gonna say all of four months.

25 Q The Planning Board adopted an Ordinance before  
it was brought out for public consideration, right?

1 A Adopted an Ordinance before public consideration?

2 [REDACTED]. I'm sorry. The Planning Board adopted  
3 the ordinance, the new Zoning Ordinance, did it not?  
4 [REDACTED], they adopted the new Zoning Ordinance.

5 Q And when was that, in February?

6 A Yes, it had to be in February, because --

7 Q Of this year.

8 A And then we had the public hearing on March fifth,  
9 '73.

10 Q Before they adopted it in February 1973, [REDACTED]

11 the residents of Bedminster aware that they were

12 to be asked to consider an entire new Zoning Ordinance?

13 A Yes, because it was legally publicized.

14 Q By law it was publicized before the March fifth  
15 meeting.

16 A Yes. It was in the Planning Board records. It  
17 would be in the Planning Board records.

18 Q Did you feel it would be useful to have a  
19 referendum to see what the residents felt about an  
20 [REDACTED] Zoning Ordinance?

21 [REDACTED] I feel it was what now?

22 (Whereupon, pending question read  
23 back by the reporter.

24 A No, I don't think that's the proper way of handling  
25 it.



1 Q There was no referendum.

[REDACTED], there was not.

[REDACTED] before publication of this entire new Zoning Ordinance, which was done just prior to the March fifth

5 public meeting, the township citizens were not aware  
6 that a new Zoning Ordinance was coming, or were they?

7 A Only by publication.

8 Q Only by publication. And this is in February  
9 of '73.

10 A Yes.

11 Q There was pressure by AT&T to rezone the [REDACTED]  
12 at least there was a request by them, and that  
13 that first came up, isn't it so?

14 A Yes.

15 Q And before AT&T made the request, 111 acres was  
16 zoned five acre residential.

17 A Five acres residential, on the Master Plan on RO,  
18 under RO.

19 Q After the resolution of the Planning Board, then  
[REDACTED] change it to?  
[REDACTED] RO.

22 Q Do you know when the Alan Dean suit was brought  
23 against the township? I should ask your attorney.

24 A I'm quite sure it was -- we got our first --

25 MR. ENGLISH: If I may answer, it

1 was August 1971.

I know.



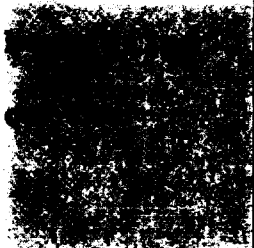
now it was in August or September. It was  
that.

5 MR. STRONG: Thank you, Mr. English.

6 I really wanted to get the correct  
7 date. I'm not sure the mayor would know.  
8 August of 1971.

9 A August of 1971.

10 Q Did the Alan Dean suit -- the suit had  
11 against the township, did it have any bearing  
12 decision to rezone the township?



13 A It did, yes.

14 Q Did the application of AT&T for a permit --  
15 rather, for --

16 A Application.

17 Q --an amendment to the Zoning Ordinance have any  
18 bearing on the decision to rezone the entire township?

19 Q Did you say amendment?



amendment to the Zoning Ordinance.

amendment to the Zoning Ordinance.

22 Q Yes.

23 A Did it have any bearing on it?

24 Q Well, let me withdraw that question.

25 Did AT&T's application here in the township to come

1 in here have any bearing on rezoning the Zoning Ordinance?

2 [REDACTED], it would have, yes.

3 [REDACTED] t, if any, other applications or pressures

4 [REDACTED] were there to bring about a rezoning in

5 the township?

6 A They were the only two to my knowledge.

7 Q Was there any feeling, any ground swell of

8 public opinion to rezone the township?

9 A Public opinion -- would you read that back?

10 (Whereupon, pending question

11 back by the reporter.)

12 Q If the question isn't clear I'll rephrase

13 (Whereupon, pending question read

14 back by the reporter.)

15 A Rephrase that again.

16 In other words, you're asking --

17 Q I believe you mentioned that the AT&T application,

18 the Alan Dean suit were the pressures which were brought

19 [REDACTED] township officials that led up to the rezoning

20 [REDACTED] township.

21 [REDACTED] question is, were there any other considerations,

22 such as public opinion that brought this about?

23 A Not to my knowledge, no.

24 Q Had there been threat of suit by AT&T against

25 the township if they did not act reasonably soon to

1 to approve their application?

[REDACTED] to my knowledge.

2 [REDACTED] all, you were present, and I believe I was  
3 [REDACTED] Mayor, at a meeting of the Township Committee,  
4 were you not, when Sidney Dillon, attorney for AT&T,  
5 stood up and was critical of the delays, and in fact,  
6 gave an ultimatum of a deadline if the township did not  
7 act upon it they would take some other measures?  
8

9 A I don't recall that meeting.

10 Q Wouldn't that be in the late summer or [REDACTED]  
11 1972? At a meeting of the Township Committee?

12 A I don't recall it, John. I don't recall [REDACTED]  
13 my knowledge.

14 Q Wasn't there a veiled threat made by Mr. Dillon --

15 A No.

16 Q --that there was some action of the Township  
17 Committee that was fishy, and I may not be using the  
18 correct term, but that was the connotation, and he said  
19 [REDACTED] the action of the Township Committee, quotes,

[REDACTED] te, in the delay?

[REDACTED] to my knowledge. I don't recall that.

22 Q Don't you remember some kind of criticism of the  
23 Township Committee in which they said, they threatened  
24 the committee and stated that the rezoning of 111 acres  
25 to five acre residential some few years back was wrong,

1 because Mr. Gavin had taken part in it?

[REDACTED] is came from Mr. Dillon?

[REDACTED] Sidney Dillon.

[REDACTED] know -- I know there was one question that

5 Mr. Dillon had --

6 Q There was some discussion.

7 A Yes, there was, but I don't recall what it was.

8 I'll agree with that, there was some discussion, yes,

9 there was.

10 Q Mr. Dillon in fact took the floor before [REDACTED]

11 Township Committee and, in effect, make an accusation

12 the township's action stinks, or some such expression

13 A Well, I'm quite sure, Mr. Strong, if it's anything, Mr.

14 Robertsen has him on record here.

15 Q You know there was something of this nature?

16 A I know there was something about Mr. Gavin.

17 Q It related to a vote in which Mr. Gavin participated.

18 A Yes, I understand what you're talking about.

19 [REDACTED] effect did that have upon your decision to

[REDACTED] entire township?

[REDACTED] effect?

22 Q That's right.

23 A Nothing to my knowledge.

24 Q Was there concern after that accusation that the

25 township had acted illegally or improperly in making

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the 111 acres five acre residential?



to my knowledge, no.

February '73, what was the status of the suit

Alan Dean against the township?

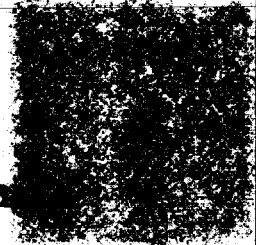
MR. ENGLISH: You want me to answer

that?

THE WITNESS: I'll defer to Mr. English.

MR. ENGLISH: The Alan Dean suit

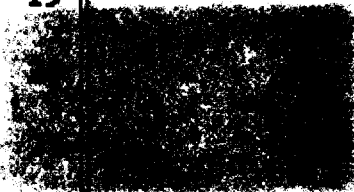
was scheduled for trial in, I think, November  
of 1972.



MR. STRONG: Right.

MR. ENGLISH: And on the day

appointed for trial, counsel represented  
to the court that zoning changes were  
under consideration by Bedminster which  
might have a bearing upon the issues raised  
in the Alan Dean suit, and for that reason  
both sides, namely Alan Dean and the  
township, suggested to the court that  
the trial be postponed in order to permit  
clarification of the situation. And  
that was done.



Q Now, was there a discussion -- withdraw that.

In your Planning Board meetings, did you ask  
for the effect, and were you given the opinion of the

1 effect of the proposed new Ordinance upon population



in character?

Would you word that different?

2 Yes. Was there some expert opinion given to  
3 the Planning Board or the Township Committee as to  
4 population growth to result if this Ordinance were  
5 adopted?  
6  
7

8 A Yes, I think we got that through Mr. Agle,  
9 I think the Planning Board got that through Mr. Agle.

10 Q That's Mr. Charles Agle.

11 A Yes.

12 Q Was there a figure used of what the pop  
13 growth would be in the township if the Ordinance were  
14 adopted?

15 A Yes, Mr. Agle, I think, reported on that, yes,  
16 he did.

17 Q And did he state that the township population  
18 would grow to approximately 40,000, or the Somerset  
19 Hills area or what?



states the amount of growth?

population.

22 A I really couldn't tell you the exact numbers.

23 I know he did give us a study on that.

24 Q You are a resident of this area, the Somerset Hills  
25 area all your life, are you not, Mayor?

1 A Yes, up to -- yes.

2 Q What is the population growth of what they call  
3 Somerset Hills area, which I presume is Basking Ridge,  
4 Bedminster, Bernardsville, Peapack Gladstone, Far Hills.

5 A I really don't know the exact figure.

6 Q Was there a figure of 90,000 used as a projected  
7 population growth?

8 A Exact figures I can not say.

9 Q Was there a figure of 40,000 used for growth  
10 in Bedminster?

11 A Again, I can't answer that correct number

12 Q Wasn't the figure of 90,000 growth given  
13 Somerset Hills area?

14 A Ninety thousand?

15 I don't recall the figures now. I don't know.

16 Q At any rate, did Mr. Agle give an opinion that  
17 the population would increase if this Ordinance was  
18 adopted?

19 A Yes.

20 according to your recollection, did he give  
21 that it would be a substantial increase in  
22 growth?

23 A Yes.

24 MR. ENGLISH: Excuse me. Do you  
25 mean absolutely or in comparison with the



1 old five acre Ordinance?

2 MR. STRONG: Well, I'm not  
3 sure as I understand your question.

4 [REDACTED] I mean is, compared to what it is now  
5 as to what it would be with the Ordinance.

6 MR. ENGLISH: You mean the maximum  
7 population that would fit into the  
8 township if the town was fully developed  
9 in accordance with the Ordinance?

10 Or do you mean the social  
11 operating beyond anybody's control  
12 would bring about?

13 Q In a sense, yes.

14 But what he predicted would actually happen  
15 as to population increase in Bedminster, not what  
16 theoretically could be projected.

17 A Mr. Strong, I was very curious about that, too,  
18 and I had Charlie run down some figures for me, and he  
19 took the old Ordinance of the 5 and 1 and 2 that we had --

20 [REDACTED] question, Mr. Mayor, is --

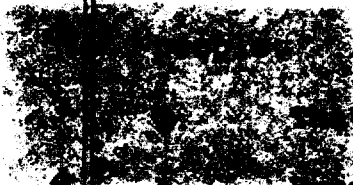
21 MR. ENGLISH: Well, wait.

22 [REDACTED] is to the new Ordinance would do.

23 A That's what I'm getting at.

24 If you took the old Ordinance of five acres and  
25 built on every part of the five acres, everything was

1 subdivided, we'd have a population of around 18,500



That's if it was all done or developed.

4 A Everything was developed. No more five acres.

5 And I give him a run down of the new Zoning Ordinance,  
6 and, believe me, I can't believe it was 18,000 population.

7 That's the figures he gave to me.

8 Q When did he give you that?

9 A When we were considering the new Ordinance.

10 Q Well, is this before February and March?

11 A Before March fifth.

12 Q Well, I believe I'm correct, I've seen a  
13 of a projection of 40,000. Did you hear of such a  
14 projection in population?

15 A No, I have not.

16 Q And also a projection for the Somerset Hills area  
17 of 90,000. Did you hear such a projection?

18 A No, I have not.



19 anyone else give an opinion as to population

20 the Planning Board meetings?

21 not to my knowledge, no.

22 Q Were there other experts consulted besides  
23 Mr. Agle regarding population growth?

24 A Not to my knowledge, no.

25 Q Was there an expert opinion as to -- given as to

1 the effect of the new Ordinance upon land developed

2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

A [REDACTED] expert's opinion on land development?

Q Well, someone's opinion that they asked for.

5 A Yes. That was handled all through Charlie Agle.

6 Q He gave that opinion too.

7 A Yes, he gave all that opinion, yes.

8 Q Did he give an opinion of a rapid increase in  
9 growth, building or construction?

10 A Yes, he did. That's with the Alan Dean [REDACTED]

11 Q Did he give an opinion that industry would come  
12 into Bedminster if the new Ordinance were adopted [REDACTED]

13 A Yes, he did.

14 Q Isn't it so that AT&T alone, if coming into  
15 Bedminster, would bring in a population of two or three  
16 thousand?

17 A The population of two or three thousand living  
18 here?

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

Q [REDACTED] recall the population of people going to work  
[REDACTED] didn't consider that they were going to live  
22 here.

23 Q Let's take that first.

24 What population would be working here?

25 A They gave a figure of between 2,500 and 3,000

1

by 1985.



1985?

A Yes.

What about 1975?

A That figure they did not give.

5

Q They didn't give? A No.

6

Q They intended to build immediately, did they not, once they got their approval?

7

8

A If they got their approval.

9

Q And this was going to be national headquarters

10

of Long Lines Division.

11

A That's right.

12

Q And didn't they give a figure of how many people

13

would be employed there as of that time?

14

A By '75?

15

Q How long a period of time did they project

16

it would take to build their national headquarters here?

17

A It would take them over two years or more to

18

build the national headquarters, to build.

19

Q Do you remember generally the dimensions of the

20

building? Was it two stories, five stories, six stories?

21

A It can't be over forty feet high.

22

Q Forty? A Yes.

23

Q And that's how many stories? Four or three or what?

24

A That would only be -- if they had ten foot ceilings,

25

but I'm quite sure there's a safety factor of any type of

1 building like that, you have to have a certain ceiling  
2 don't know if it's ten foot ceiling, that's  
3 only four stories.

4 I'm quite sure that the Ordinance reads  
5 different, so I would say something of no more than  
6 three stories.

7 Q You don't know the dimensions.

8 A No. I haven't even seen the plans.

9 Q Well, if it was going to be built in 1975,  
10 Mr. Mayor, isn't it so that they did give you a  
11 as to how many people would be employed here when it  
12 was finished?

13 A Seventy-five.

14 Q Seventy-five. And secondly, as to how many  
15 people would be living in the township, or coming into  
16 the township, as a result of that headquarters being  
17 built here?

18 A There is a record in the Planning Board on that.  
19 There is a record.

20 It is certainly before 1985, isn't it?

21 MR. ENGLISH: Excuse me a minute.

22 (Short recess at 11:30 a.m.)

23 (After recess at 11:40 a.m.)

24 (Whereupon, last two questions and answers  
25 read back by the reporter.)

1 A You're referring to 3,000 people --

2 [REDACTED] I'm not referring to any particular figure. I  
3 [REDACTED] now if there wasn't a projection made of a  
4 [REDACTED] population increase and employee population increase  
5 in this township, certainly before 1985.

6 A I recall there was a letter out in their  
7 application. What the figures was, I really don't know.  
8 I'm guessing. I really don't know, John. I know it's  
9 on the record of the Planning Board. I'm quite sure  
10 they have a copy of all that.

11 Q But your statement that there was an in  
12 projected as of 1985, is that accurate, or is  
13 that the projection of the population growth, or --

14 A I would say it was accurate --

15 Q --or employee growth --

16 A I beg your pardon?

17 Q --is for a time long before 1985?

18 A No. I really couldn't answer that.

19 [REDACTED] you remember when AT&T was applying for an  
[REDACTED] to the Zoning Ordinance so that their tract  
[REDACTED] es could be rezoned? Do you remember that?

22 A Yes, right.

23 Q Was there a discussion of installation of a  
24 new sewer system?

25 A In the township?

1 Q Yes. Let me pinpoint it more.

[REDACTED] pinpoint it more.

2 [REDACTED]n't there a discussion that if this national  
3 [REDACTED]ers were built in Bedminster, that there would  
4 have to be installation of a sewer system, or installation  
5 have to be installation of a sewer system, or installation  
6 of some addition to sewer systems, or whatever?

7 A To my knowledge, they would build their own  
8 sewer system. This was on their plan, that they would  
9 build their own.

10 MR. ENGLISH: By they, you [REDACTED]

11 THE WITNESS: AT&T, yes.

12 Q Was there an opinion among the Planning  
13 members or the Township Committee members that there  
14 would have to be a sewer system installed if AT&T  
15 came in here, by the township?

16 A That question was asked of AT&T and AT&T said  
17 they had plans to build their own, if we have to build  
18 one they would build -- help us build it.

19 [REDACTED] they said that if the township had to build  
20 [REDACTED] would give an assist to the township.  
21 [REDACTED]ht.

22 Q In what form would this help or assistance be?

23 A What form?

24 Q Yes.

25 A I really can't -- I really don't know what the

1 form was, what the plan was.

2 [REDACTED] they mention that they would contribute  
3 [REDACTED] toward the construction of it?

4 A [REDACTED] there was no figure given, to my knowledge, to me.

5 Q What was the discussion, more specifically,  
6 Mr. Mayor, about this sewer system by AT&T with the  
7 Planning Board members?

8 A To my knowledge, the only thing, they said that  
9 they -- if we want to build a sewer system, that they  
10 would join in and build a sewer system to help  
11 their needs. [REDACTED]

12 Q Did they state anything about building a  
13 system and turning it over to the township?

14 A Not to my knowledge, no.

15 Q When they said that they would help build it,  
16 was there any discussion that this was an illegal act  
17 on the township -- on the part of AT&T?

18 A I don't think so, no.

19 Q [REDACTED] Did anybody raise a question whether it was  
20 [REDACTED] AT&T to assist in any way, whether financially  
21 [REDACTED] construction, in the building of the sewer  
22 system?

23 A There was some discussion<sup>on</sup>/it, which we don't do  
24 that. I mean, if we're gonna build a sewer plant, we're  
25 gonna build a sewer plant. If they want to tie into it



1 and they'll tie into it and they'll pay their own



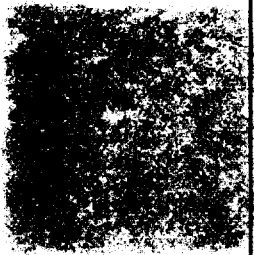
holding a sewer plant and turning it over to  
is not the proper procedure to take.

5 Q Did you or any members of the Planning Board  
6 feel that there was an inducement being offered or  
7 tendered to the township by AT&T in the form of this  
8 aid for sewer system?

9 A Yes, yes.

10 Q And was there any action taken on it by  
11 Planning Board?

12 A No, there was not.



13 Q At the March 5 public hearing, there was a tape  
14 taken by the township, such as here today on this of  
15 the proceedings of that meeting, were there not?

16 A Yes.

17 Q Who has possession of that now?

18 A It's in this office here, Mr. Robertson has it.

19 Q Was a copy made or given out to anyone, such as --  
20 to my knowledge.



as Mr. Oliver Filly, or anybody else?

22 A Not to my knowledge.

23 Q Incidentally, Mr. Robertson has it here?

24 A He should have it, yes.

25 MR. STRONG: Mr. English, is it possible

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to get that? I don't know how -- get  
a copy of it or whatever? If you've already  
got it here. I don't know what the expense  
is to reproduce it.

MR. ENGLISH: I think if it's not  
been reproduced and if it were to be  
reproduced, there ought to be a charge.

MR. STRONG: I'm coming to that.

What is the expense to reproduce it?

MR. ENGLISH: I knew nothing  
I wasn't at the meeting.

According to how long it is

MR. STRONG: Do you have any objection,  
Mr. English, or do you, Mr. Mayor, if I  
obtain a reproduction?

THE WITNESS: I have no objection.

MR. ENGLISH: I would prefer to  
consult with the township attorney, whose  
associate I am in this case, before giving  
you an authoritative answer, Mr. Strong,  
but I will take it up with him.

MR. STRONG: I trust, you express  
you don't have an objection, and I presume  
the mayor doesn't.

MR. ENGLISH: I have no position

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except I will take it up with the township attorney.

MR. STRONG: Off the record.

(Discussion off the record.)

(After discussion.)

Q In the vote upon the new Ordinance, Mr. Mayor, and this is the complete rezoning of the township --

A Now this is Planning Board or Township Committee?

Q The vote of the Planning Board. Was -- you voted in favor of the new Zoning Ordinance?

A I did, sir.

Q And was this primarily to have the Alan suit resolved and also to have the area that the was interested in rezoned?

A That's right, yes.

Q And in your yes vote in support of that Ordinance, what, if any, considerations were there?

A In land change, you mean?

Q In the decision upon voting for the new Ordinance.

other --

if there were others?

A Yes, to upgrade the Zoning Ordinance from the old Zoning Ordinance.

Q And that was it, is that right?

1 A Yes.

2 [REDACTED] What were the expressed opinions at the time  
3 [REDACTED] of the other members of the Planning Board?  
4 [REDACTED] their reasons, as you recall them, for adopting  
5 this new Zoning Ordinance?

6 MR. ENGLISH: I suggest that calls  
7 for pure hearsay, since other members  
8 of the Planning Board are to be deposed  
9 the question might better be directed  
10 to them. I object to the question [REDACTED]

11 MR. STRONG: May he answer  
12 to your objection?

13 MR. ENGLISH: Yes.

14 A I don't recall the others.

15 Q Was there extensive discussion among the Planning  
16 Board members?

17 A There was a number of discussions on it, there  
18 was.

19 Q [REDACTED] Did the Planning Board members meet with  
20 [REDACTED] representatives of AT&T and Alan Dean before the  
21 [REDACTED] of the new Ordinance?

22 A I'm just trying to think. I'm quite sure we  
23 met with Alan Dean's attorney on it, but I don't  
24 recall meeting with AT&T.

25 Q Who was Alan Dean's attorney, if you recall?

1 A That was Mr. Ralph Mason.

2 [REDACTED] the representatives of Alan Dean with him,  
3 [REDACTED] him?

4 [REDACTED] man, I can't -- I don't recall.

5 Q How many times before the vote was taken  
6 were there meetings with Alan Dean's attorney and/or  
7 Alan Dean's representatives, such as other officials?

8 A Only this one meeting we had up here.

9 Q Do you recall how long before the Ordinance  
10 was adopted that that meeting took place?

11 A No, I don't recall how long before this [REDACTED]

12 Q Would it be weeks or a month?

13 A It was at least a couple of months.

14 Q A couple of months. A Yes.

15 Q That would be sometime at around --

16 A January, sometime around January.

17 Q Well, it was adopted in February.

18 A Well, --

19 [REDACTED] it would be around December '72, perhaps?

20 [REDACTED] you recall.

21 [REDACTED] somewhere in December, January. I know it was  
22 very close to the deadline.

23 Q That was the only meeting with their attorney  
24 or representatives?

25 A Yes, it was taken right here, because Mr. Bowlby  
has the records of that.

1 Q Mr. Bowlby attended? A Yes.

2 [REDACTED] 's the counsel for the Planning Board.

3 [REDACTED] right.

4 [REDACTED] how many -- I may have asked you. Did any of

5 the AT&T representatives meet with members of the

6 Planning Board before the Ordinance was adopted?

7 A Not to my knowledge. Not with me.

8 Q At the meeting when Alan Dean's attorney  
9 was present, was this an open meeting or an executive  
10 meeting?

11 A This was sort of an exclusive meeting.

12 Q An executive meeting. A Yes.

13 Q It was not public.

14 A Well, yes, it was public, because it was in  
15 this building.

16 Q It wasn't a regularly scheduled meeting?

17 A Just by appointment, that's all.

18 Q By appointment.

19 [REDACTED] a date, you know, a scheduled day, let's put  
20 [REDACTED] y.

21 [REDACTED] it was not a regular monthly meeting of the  
22 Planning Board.

23 A No, it was not, no.

24 Q In the Planning Board meetings discussing the  
25 proposed new Ordinance, and this is before the whole

1 new Ordinance was adopted, do you recall whether

2 [REDACTED] of the Planning Board suggested a referendum  
3 of the citizens of Bedminster to consider their opinion?

4 [REDACTED] the only thing I recollect, it was brought up,  
5 and that was all that was done.

6 Q Was it brought up by the Township Committee --  
7 withdraw that.

8 Was it brought up by one of the members of the  
9 Planning Board?

10 A Yes, it was brought up by one of the Pl  
11 Board members. [REDACTED]

12 Q Was there a vote taken on whether to ha  
13 a referendum or not?

14 A No, there was not.

15 Q Was there a reason why they didn't follow  
16 this suggestion to have a referendum?

17 A The reason I don't recall. The reason I do not  
18 recall.

19 [REDACTED] believe you stated that the proposed new  
20 ordinance was under consideration by the  
21 board a total of about four months?

22 A I would say yes.

23 Q Being adopted in February, that would be  
24 approximately from November 1972 until February 1973?

25 A I would say, somewhere in December.

1 Q December of '72 is when it was first proposed?

2 A Yes.

3 Q Was the first proposal to adopt this new,  
4 completely new Zoning Ordinance, came from what direction  
5 or what source?

6 A It came -- the recommendation of the Planning  
7 Board.

8 Q Well, I'm talking about the Planning Board. It  
9 came from within the Planning Board members.

10 A Yes.

11 Q Is that right? Do you remember who first  
12 proposed it?

13 A I'm quite sure Mr. Fales.

14 Q And do you remember what he said as to why?

15 A No, I do not.

16 Q Who made the recommendations that went into  
17 the Ordinance?

18 A Again, it was Mr. Agle and Mr. Bowlby.

19 Q Mr. Bowlby and Mr. Agle.

20 A There was --

21 Please me, go ahead.

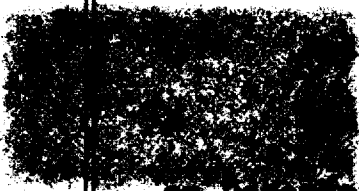
22 A I think Mr. Fales appointed a sub-committee on  
23 that. I don't recall the names of that.

24 Q Appointed a sub-committee to prepare a new,  
25 entire new Zoning Ordinance.



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A I'm quite sure.

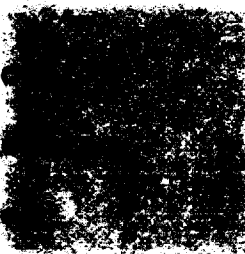


the approximate date of that was when?

It had to be sometime in December, November or December, the latter part.

Q And I believe as you stated one of the essential parts of this new Ordinance would be to include the rezoning of the 111 acres AT&T owned, so that it would be changed to R and O, is that right?

A Yes.

Q Do you remember from approximately all  onward, substantial objections by citizens attending the Township Committee meetings to this proposed rezoning? I'm talking about the AT&T rezoning.


A Yes, there was some discussions. I'm quite sure it's in the minutes of the township meeting.

Q They were little more than discussions, were they not?

A Yes, a few were.



few full houses. A Yes.

the people attending were opposing the  which was then before the Township Committee to rezone 111 acres to R and O?

A Correct, that's correct.

Q And that situation continued from that point on, whenever there was some discussion of it there were quite

1 a few citizens in the room opposing that, right?

2 [REDACTED] that's correct.  
3 [REDACTED] one stage there was a series of petitions  
4 [REDACTED] to the Township Committee opposing AT&T.

5 A That's correct.

6 Q And am I correct in stating that there were  
7 over seven hundred, approximately 714 signers of  
8 those petitions?

9 A I really don't know what the number of them were,  
10 but there was a number of them.

11 Q They are on file with the Township Clerk [REDACTED]

12 A They are on file with Mr. Robertson.

13 Q Now, on the proposed new Zoning Ordinance,  
14 the publication of the March fifth meeting was  
15 about, was what, about two or three weeks ahead of  
16 the meeting, or how long ahead, if you remember?

17 A I think the law requires two. I think two  
18 weeks before, fourteen days before the public hearing.

19 Q Was this the first notice the public got of  
20 [REDACTED] proposed new Zoning Ordinance, the publication?  
21 [REDACTED], the majority of people, yes.

22 Q You say the majority of the people.

23 A Of the whole township.

24 Q Those who were the officials of the township were  
25 aware.

1 A That's right.

2 [REDACTED] there an opinion given at the Planning Board  
3 [REDACTED] I'm talking about that first, as to the effect  
4 [REDACTED] proposed new Zoning Ordinance upon property values  
5 in Bedminster?

6 A Was it considered?

7 Q Well, was an opinion given to what effect the  
8 new Zoning Ordinance would have on the property values?

9 A I'm quite sure it was, yes, sir.

10 Q And do you remember approximately when  
11 meeting was that that opinion was given?

12 A No, I don't.

13 Q By whom was it given?

14 A Mr. Agle, I'm quite sure, gave a report on that.

15 Q Is Mr. Agle a real estate man?

16 A Not to my knowledge. He's just a consultant,  
17 planner.

18 Q Planning Consultant. A Yes.

19 [REDACTED] the Township Committee obtain the opinion  
20 [REDACTED] real estate man as to what effect this would have

22 A I really, truthfully couldn't answer that. I'm  
23 not sure.

24 Q Are any members of the Planning Board real estate  
25 brokers or developers?

1 A Not to my knowledge, no.

2 Q What was the opinion that was given as to the  
3 effect upon property values?

4 A What was the opinion given?

5 Q Yes.

6 A I would just recollect that the value of  
7 property -- there would be an increase.

8 Q Was there a more precise projection or prediction,  
9 to what extent they would be increased?

10 A No, not to my knowledge, I don't recall.

11 Q Was there a projection or prediction as  
12 in particular land areas would be increased the  
13 whether it would be open land, homes, developments or  
14 whatever?

15 A I don't recall, Mr. Strong.

16 Q You don't know whether it was broken down into  
17 any categories?

18 A No, I do not.

19 Q What is the total acreage of Bedminster, offhand,  
20 how, approximately?

21 A I don't know. It's all in square miles.

22 Q Now, in addition to the petitions that were  
23 filed opposing AT&T, and which I asked you about a  
24 while ago, which are on file, do you remember the public  
25 meeting of March 5, 1973, held at the Bedminster School?

1 You nod your head. He can't take that down.

2 [REDACTED] Yes. I'm sorry.

3 [REDACTED] Approximately -- do you remember approximately

4 [REDACTED] persons attended the meeting? At the school.

5 A I know, I helped set it up, and I think there  
6 was 250 chairs placed.

7 Q And the room was filled?

8 A Yes, pretty well.

9 Q In fact, there were people standing along the  
10 walls, too.

11 A Yes. Well, there were some chairs there  
12 but they didn't use the chairs.

13 Q And you mentioned there was a tape that was  
14 taken of that, I believe.

15 A Yes, there is.

16 Q And is it so that at that, the vast majority  
17 of those persons who spoke were against the adoption  
18 of the Ordinance?

19 A Yes.

20 [REDACTED] After that expression of opinion by the

21 [REDACTED] that public meeting, what, if any, action,

22 did the Planning Board take with relation to adopting  
23 this Ordinance?

24 A Well, the action they had taken was several  
25 amendments.

1 Q Was that as the result of objections from the  
[REDACTED] that public meeting?

[REDACTED], to my knowledge.

5 [REDACTED] there any feeling in the minds of the  
6 Planning Board members that as a result of the expression  
7 of opinion that night that they should not adopt this  
8 Ordinance?

8 A Not to my knowledge, no.

9 Q The proposed amendments were not substantial  
10 in nature, were they? [REDACTED]

11 A No.

12 Q And in spite of the objections from the [REDACTED]  
13 that night, is it your statement that there was no  
14 change of attitude by the Planning Board, and that  
15 they were of the same opinion that this Ordinance should  
16 be adopted?

17 A That was my personal feelings, yes.

18 Q Besides your personal feelings, did anybody  
19 [REDACTED] that they felt they shouldn't adopt this

[REDACTED] haven't -- no one commented on it.

22 Q Do you know a Mr. Mc Elroy of Bernardsville?

23 A The name don't ring, no.

24 Q Maybe I can refresh your recollection. Didn't

25 Mr. Mc Elroy, a man formerly on the Planning Board in

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Bernardsville, distribute an opinion, his opinion as to the effects of the new Zoning Ordinance would be administered in Bedminster Township?

A When did he distribute them? I didn't get a copy of it. I don't recall of any copy.

Q Presumably it would be before its adoption in February of '73, or before the meeting of March 5.

A I don't recall.

Q You're stating, then, your personal knowledge, you don't know whether there is on file with the Planning Board or the Clerk a written report as to the effects upon Bedminster of this proposed Zoning Ordinance?

A I do not recall, John.

Q The records will show, though, will they not?

A If there is, they are here.

Q Are you stating, then, that you did not take that report into consideration in your vote?

A If the report was here, yes.

Q As far as you know, did any members, any members of the Planning Board take that written report into account in their vote?

A Not to my knowledge, I can't answer that.

Q Was there any discussion of that report among the Planning Board members?

A Not that I recall.

1 Q What is the projection of the Somerset County  
2 Master Plan for the Township of Bedminster in the type  
3 of land use?  
4

5 Q What's the new objections?

6 Q No.

7 (Whereupon, pending question read  
8 back by the reporter.)

9 A Only thing I can say on that one, it's on file  
10 here.

11 Q You are an official of the township, in  
12 two capacities.

13 A Yes.

14 Q Did you take into account the Somerset County  
15 Master Plan when you were considering and later voting  
16 upon this new Ordinance?

17 A I'm quite sure, yes, I did consider it, yes. I  
18 personally considered it, yes.

19 Q And do you know what Somerset County Master Plan  
20 projects for Bedminster Township?

21 type of land use.

22 A I can't give it to you right now, but they do  
23 project some land use in Somerset Hills.

24 Q And don't they project that Bedminster Township  
25 remain rural until the year 2,000, and that specifically  
the 111 acres now rezoned R and O would be rural or  
residential?



1 A In the County Master Plan?

2 Q Yes, Somerset County Master Plan. If you  
3 don't recall --

4 A Well, I don't recall.

5 Q I'm asking you if you know.

6 A I don't recall at this moment.

7 Q Was there a consultation with the Somerset  
8 County Planning Board before you adopted this Ordinance?

9 A I'm quite sure there was, John, yes, there was.

10 Q Well, you say you're quite sure. Do you

11 A I'm quite sure Mr. Agle sat down with the  
12 Planning Board.

13 Q Do you remember when that was that you sat  
14 down with them?

15 A No. I wasn't there, but I'm quite sure Mr. Agle  
16 sat with them.

17 Q Would this be sort of a meeting with the township's  
18 consultant, Mr. Agle, and the County Planning Board members?

19 A Yes, it would be, or else Mr. Roach.

20 Q Is the Somerset County, what is he, engineer?  
21 Is the Planning Director.

22 Q But your board itself did not meet, then, with  
23 the Somerset County Planning Board members.

24 A No, we did not.

25 Q And do I understand what you're stating, then,

1 is that Mr. Agle then came back with a report of  
2 with Mr. Roach or members of the Planning Board  
3 of Somerset County.

4 Right. And I'm quite sure there's a letter in  
5 here from the County Planning Board.

6 Q What did he report back?

7 A It's in a summary of his, I don't recall, but  
8 it's on record in the Planning Board.

9 Q There is a letter from whom? From Mr. Roach?

10 A Yes.

11 Q You will produce that letter when we ask you to?

12 A Yes.

13 MR. STRONG: Off the record.

14 (Discussion off the record.)

15 (After discussion.)

16 Q Is your recollection, though, as to the contents  
17 of that report for Mr. Roach?

18 A I really don't know at the moment. I'd have to  
19 see the report.

20 When I refer to the Somerset County Planning  
21 records, it's the Master Plan.

22 A That's correct.

23 Q The Master Plan projects for Bedminster Township  
24 rural.

25 A Yes.

1 Q And until the year 2,000.

2 [REDACTED] shows the growth.

3 [REDACTED] isn't it the opinion of your own expert, Mr. Agle,  
4 or of others, given during the deliberations, that land  
5 values would go up and that in fact Bedminster would  
6 become urban instead of remaining rural?

7 A In the report? You say it's in the report?

8 Q Were there reports given or opinions given that  
9 this would happen?

10 A Not to my knowledge, no. [REDACTED]

11 Q Well, was an opinion given that the town  
12 would remain rural if any new Ordinance was in effect?

13 A In effect, it would keep a lot of open spaces,  
14 yes.

15 Q Well, my question, of course, specifically is,  
16 would it remain rural in the opinion of the Planning  
17 Board members? Or would it change to urban, talking  
18 about general, overall --

19 [REDACTED] 're talking overall.

20 [REDACTED] growth of the township.

21 [REDACTED] would stay rural.

22 Q And that was the opinion given, it would stay rural?

23 A It would stay rural, yes, sir.

24 Q Was this opinion given by an expert?

25 A The report from Mr. Agle, yes.

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Q Was -- do you recall whether Mr. Roach expressed  
on on that?



Strong, you'd have to read the reports of  
the Planning Board on it.

Q I'm asking you for your recollection, Mr. Mayor.

A Well, I don't recall at the moment.

Q Mr. Mayor, going back to the election in 1972,  
did you send out a letter to the township residents  
that you were for the rezoning of 111 acres for AT&T  
to come into Bedminster?

A No, not that wording.

I sent a letter out stating that we are  
suit with Alan Dean, of course, and we should consider --

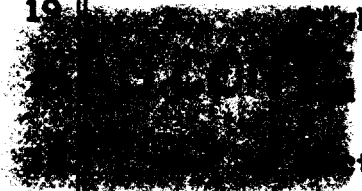


Q You were in sympathy with Alan Dean?

MR. ENGLISH: He said in suit  
with Alan Dean.

Q I'm talking about the Thursday before election.  
Election was on a Tuesday, was it not?

Right, yes, it was on a Tuesday.



the Bedminster -- the Bernardsville News,  
the Somerset Messenger Gazette which

both circulate here, are printed weekly and on Thursday  
of each week, right?

A Right.

Q Isn't it true that you issued a statement denying

1 certain facts and stating -- certain facts which I  
2 [REDACTED] out in a statement, and advocating the  
3 [REDACTED] of the amendment to the Zoning Ordinance to  
4 [REDACTED] acres to R and O?

5 A Rezone the whole township, yes. R and O, okay.  
6 Yes.

7 Q Your statement did not say anything about rezoning  
8 the entire township, did it?

9 A No, it did not.

10 Q And this was in November of '72.

11 A That's correct.

12 Q And there was no mention made in that [REDACTED]  
13 that there was any consideration for rezoning the  
14 entire township.

15 A No, there was not.

16 Q And as of November 1972, and I presume this  
17 would be around the second, third or fourth of November,  
18 had the Planning Board been considering adoption of  
19 [REDACTED] rezoning the entire township?

20 [REDACTED] think it was after that, something recalls  
21 [REDACTED] something being around November and December,  
22 not the first part.

23 Q It's your statement that when you sent that  
24 statement or letter out, during the first week of  
25 November, that the Planning Board had not at that

1

time begun to consider rezoning the entire township.



to my knowledge, no.

5

Q How long after that, then, did they then take up the possibility of rezoning the entire township?

6

Did you say sometime ago December?

7

A I would say in December and November.

8

Q Into December?

9

A Yes. November and December.

10

Q Was there a reason in the timing of your letter

11

or statement? Was there a purpose in it, coming

12

on the Thursday before election day on Tuesday

13

considering it's a weekly newspaper?

14

A No, not to my knowledge, no.

15

Q Was it done for a political advantage, Mr. Mayor?

16

A Definitely not.

17

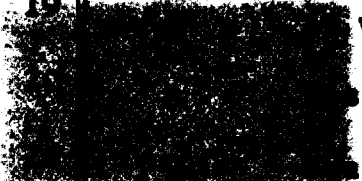
Q Was your position up to that point always in

18

favor of AT&T Long Lines?

19

A Yes, it was.



Q Was it, wasn't it, for some months?

22

A Yes, it was.

23

Q How did not issue a statement or letter, though,

24

at any time before that Thursday before election when

25

the newspapers came out.

A No, not to my knowledge.

Q Do you consider that you have become an active

1 advocate for the AT&T Long Lines application?

2 [REDACTED] you have an opinion as to why you went and  
3 made that public statement?

4  
5 A To show the public where I stand.

6 Q The public knew where you stood already.

7 A Did all of them know? Did the whole community  
8 know?

9 Q Well, wasn't it so that every Township Committee  
10 meeting was covered by the newspapers, and you  
11 was always known?

12 A Not to my knowledge, no. Everybody don't  
13 the newspapers.

14 Q Don't you feel that that was an active participation  
15 on Long Lines' behalf and that you timed it so that  
16 nobody could reply before election, certainly not in  
17 the newspapers?

18 A No, I wouldn't say that.

19 [REDACTED] there is hardly any radio coverage here that is  
20 [REDACTED] is there, on township matters?

21 [REDACTED] other words, the coverage is essentially by  
22 newspapers.

23 A Definitely, all by newspaper.

24 Q When you issued that statement or letter, there  
25 were already on file the petitions which we referred to

1 before opposing AT&T, weren't there? Seven hundred  
2 [REDACTED] signatures.



3 [REDACTED] don't recall the date, actually when they  
4 [REDACTED] to us.

5 Q Whether they were all on file or not at that  
6 point, there were petitions already on file signed and  
7 opposing AT&T's coming into Bedminster.

8 A I don't recall the dates before or after.

9 Q You don't know whether they were on file before  
10 or after.

11 A That's what I'm saying.

12 Q The new, existing Zoning Ordinance, reze  
13 the entire township, is what has been referred to as  
14 a new concept in zoning, is that right?



15 A Yes.

16 Q Do you know of its existence in any other  
17 communities, whether New Jersey or elsewhere?

18 A Yes. There's another town that has it --  
19 there's a number of towns that has that type of zoning,  
20 [REDACTED] stage. What the name of them is, I can not  
21 [REDACTED] at now. There is other towns that has them.



22 Q Are they in New Jersey?

23 A In the State of New Jersey, yes.

24 Q Was this Zoning Ordinance modeled on any of the  
25 Ordinances in these other towns?



1 A Well, where Mr. Bowlby and Mr. Agle and the  
2 rest of them sub-committee got this --

3 Q Well, are you familiar with whether they did

5 A I'm not familiar if they did or not.

6 Q Were you a member of any group or committee  
7 that consulted with other townships or communities?

8 A No.

9 Q Do you know whether these other municipalities  
10 were essentially rural or urban or whatever the  
11 this type of Ordinance?

12 A My recollection, they were more under rural  
13 area, but not as large as our township.

14 Q They are not as large?

15 A No.

16 Q I'm sorry?

17 A I don't recall any name. I'm trying to think  
18 of the names.

19 Q You can't recall the names of any of these  
20 communities?

21 A I can not.

22 Q Do you know how long those communities have  
23 had those Ordinances in effect?

24 A I really don't know, no.

25 Q Was any consideration given by the Planning Board

1 as to what effect similar Ordinances had already had  
2 on the communities where they existed?

3 [REDACTED] quite sure through Mr. Agle's report, yes.

4 [REDACTED] the report from Mr. Agle on file regarding

5 his consultation with other communities?

6 A I can't answer that, I really don't know.

7 Q The Ordinance, it's a substantial one, isn't it?

8 It's a lengthy, detailed Ordinance.

9 A Yes, it is.

10 Q Do you know how many meetings were held [REDACTED]

11 this Ordinance was being considered and up until [REDACTED]

12 time it was adopted?

13 MR. ENGLISH: Meetings by whom?

14 Q The Planning Board.

15 A By the Planning Board. I can't recall the  
16 amount, but there was a number of them, discussions.

17 Q Was there a study made or opinion submitted  
18 as to what effect this new Zoning Ordinance was going  
19 to have on air pollution and water pollution, while

20 [REDACTED] having this under consideration, this new

21 [REDACTED] was there any report given as to what effect it  
22 would have on air and water?

23 A I'm quite sure there was. I don't recall at the  
24 moment, but I'm quite sure there was.  
25

1 Q Was there any environmental consultant consulted  
2 regarding the effects of the new Zoning Ordinance on  
3 [REDACTED]

4 [REDACTED] really can't answer that one. I really don't  
5 know, but my own personal feeling, I'm sure there was.  
6 That would be Mr. Agle.

7 Q He was the consultant on this phase, is that it?

8 A Yes.

9 Q Was there an opinion given or was there a  
10 discussion as to what effect the Ordinance would have  
11 on the requirement of new services, such as police,  
12 fire, water, streets, and so forth?

13 A Yes, through Mr. Agle's report, yes..

14 Q This is all through Mr. Agle.

15 A Yes.

16 Q And what was the opinion?

17 A I really can't recall.

18 Q Well, was it that the water would not cause  
19 an increase in services or water would not effect --

20 [REDACTED] can't recall the substance, Mr. Strong, I  
21 [REDACTED] all.

22 Q Did Mr. Haller submit an opinion or report in  
23 writing to the Planning Board before the Ordinance  
24 was adopted?

25 A To my knowledge, yes.

1 Q What was his report?

[REDACTED] can not -- the substance of it I can not  
[REDACTED]  
[REDACTED] Well, you must have heard it and considered it.

5 A Well, it's on record here.

6 Q I know that, but this is all within a year.

7 A I can't remember everything.

8 Q You can't remember that.

9 Did the township Planning Board give any  
10 consideration to a report by the County and Municipal  
11 Government Study Commission, that urban growth  
12 suburban and sprawl and industrial development  
13 a poisoning effect on water supplied and marine resources?

14 A I'm quite sure Mr. Agle, again, has that.

15 Q Was his report negative, that it would not  
16 have this effect?

17 A I don't recall the wording of it.

18 Q What is your knowledge of the water supply here  
19 in Bedminster Township, as to its use or availability  
[REDACTED] areas of New Jersey?

[REDACTED] the use of other areas?

22 Q Yes. Is it so that the water from this area is  
23 drawn by Elizabethtown Water Company and others for use  
24 in the Central Jersey area, like Elizabeth and other  
25 areas?

1 A Yes, Somerville area, yes.

[REDACTED] have the south branch of the Raritan --  
MR. ENGLISH: North branch.  
[REDACTED] north branch.

5 Q Excuse me. And the Black River.

6 A Yes.

7 Q Both are in Bedminster Township.

8 A Yes.

9 Q And isn't it so that the AT&T national headquarters  
10 would be built right adjacent to the north branch  
11 the Raritan River.

12 A That's true, yes.

13 Q Is it fair to say it would be built generally  
14 on the banks of the north branch of the Raritan River?

15 A Yes, correct, sir.

16 Q Did AT&T give a plan or proposal as to how its  
17 recycled water would be disposed of?

18 A It's been given to the Conservation Commission,  
19 and they have it all.

20 [REDACTED] isn't it so, in the opinion of Mr. Peter Larson,  
21 [REDACTED] secretary of the Upper Raritan Valley Water  
22 Shed Commission, that the water recycled from AT&T's use  
23 would not be restored to its original condition  
24 before being returned to the river?

25 MR. ENGLISH: I object to that

1

question, it's a leading question and  
it purports to state the opinion of  
somebody else, I object to it and direct  
the witness not to answer.

5

MR. STRONG: You direct him not  
to answer?

6

7

MR. ENGLISH: Yes. He can't  
state what Larson's opinion is, as you  
phrased it.

8

9

10

Q All right.

11

Did you have an opinion from Mr. Peter

12

You know who he is, do you not?

13

A Yes.

14

Q As to the recycled water from AT&T?

15

A I'm quite sure the Conservation Commission has  
all of that.

16

17

Q And do you have a recollection as to what his  
opinion was as to that water, that condition?

18

19

A To my knowledge, no.

20

Q Now, do you know whether or not he stated that

21

it not be returned to the river in the same quality?

22

A I can't recall his report on it.

23

Q Mr. Mayor, to see if I can refresh your

24

recollection, I'm just showing you an article here,

25

appeared in the Bedminster News, February 8, 1973 --

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MR. ENGLISH: The Bernardsville

News?



should say the Bernardsville News, and I direct  
attention here to this paragraph, which says:

"Among the items discussed was a 90,000 growth  
potential for Somerset Hills area, should Long Lines  
and other industries locate in this area."

This, I will state, I am quoting from some other  
sources, because this is an article by me.

Again I ask you, do you remember a figure  
90,000 being mentioned by Mr. Agle to any of you



A I don't recall.

Q Or a report given as to that figure?

A Not to my knowledge.

Q What was, as far as you can recall, Mayor, the  
deciding factor for the adoption of this Zoning Ordinance?

A What was the deciding factor?

Q Yes. What was the reason why it was adopted?

A The Alan Dean suit.



the Alan Dean suit had been pending, I think,  
and you stood for re-election in '72,  
first in the primary in the spring and then the general  
election in '72.

A No. The primary in --

Q Yes, the primary was in April or May, was it not,  
of '72?

1

A That's right.



the Alan Dean suit had been filed before

5

That was filed in -- I think Mr. English has

6

that date.

7

Q Now, to refresh -- to see if I can refresh your

8

recollection, I want to show you another article

9

appearing in the Berndardsville News, as to a report

10

by Mr. Mc Elroy, whom I referred to before, who

11

Bernardsville.

12

A Right. Evidently his report is in here.

13

Q You did receive such a report.

14

A I'm quite sure of it. If it's in here, it must

15

be in the file on the Planning Board Minutes.

16

Q And specifically, then, do you recall his

17

projection that Somerset Hills would have a, quote,

18

rock bottom, quote, population increase of 40,000 persons,

19

distinguished as increased to, but increased by



sons.

do you remember that?

22

A No, I don't.

23

Q Now, those two opinions of 90,000 and 40,000,

24

did you have an opinion yourself as to whether the population

25

will be increased here in Bedminster by the adoption of



1 this Ordinance?

2 [REDACTED] at the population --

3 [REDACTED] you have an opinion?

4 [REDACTED] re the population -- the Zoning Ordinance  
5 would reflect on the population.

6 Q And it would increase it?

7 A It would increase it, yes, it would.

8 Q And do you have any opinion to what extent it  
9 would increase it?

10 A No, I have not, no firm figure, no. [REDACTED]

11 Q You stated a while ago, Mr. Mayor, that [REDACTED]  
12 Zoning Ordinance was either copied from or was [REDACTED]  
13 result of discussions with officials of other towns or  
14 communities that have the same type of Ordinances, but  
15 I'm looking at an article in the News, February 22, 1973,  
16 from which I quote: "Officials have described the  
17 proposed Ordinance as the first of its kind to their  
18 knowledge in the United States."

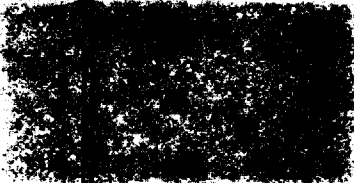
19 Would that be correct?

20 [REDACTED] it's the way New York City is zoned and  
21 [REDACTED] for years, on a percentage basis.

22 Q Now, did you have experts that, for instance,  
23 were going to be used in the Alan Dean suit to testify  
24 along these lines?

25 A Mr. English will have to answer that question.

1 He's closer than that.



Agle and who else?

English.

5

MR. STRONG: Do you know, Mr. English, who the experts were that were going to be used in the Alan Dean suit?

6

7

MR. ENGLISH: Who some of them were.

8

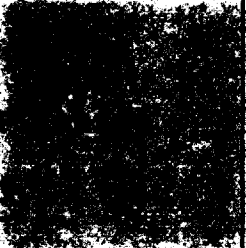
MR. STRONG: Well, it says here.

9

THE WITNESS: Mr. Mc Cormick.

10

MR. ENGLISH: I will state



11

record that at a meeting of the

12

Board on, I think, April 11, 197

13

which was prior to the adoption of the

14

Zoning Ordinance on April 16, there were

15

made part of the record of the Planning

16

Board a series of documents, which had

17

been made available to the Planning

18

Board by our office, which contained

19

environmental data, which seemed to have



a bearing on the general problem of land

22

use in Bedminster. Those documents had

23

in fact been available to Mr. Agle and --

24

who was, as I understand it, a member of

25

the sub-committee charged with drafting the new Ordinance.

1

Now, what I'm trying to say is that even though the documents in question were officially made part of the Planning Board records on April 11, 1973, they had in fact been utilized by those charged with drafting the Ordinance.

5

6

7

MR. STRONG: Do you know the names of any persons whose ~~opinions~~ were stated in those?

8

9

10

MR. ENGLISH: Yes, Doctor [REDACTED] ck, a consulting ecologist, a Mr. Wh [REDACTED] of Rutgers, I think there were [REDACTED] expressed from Doctor Wolfpatrick of the American Academy of National Sciences in Philadelphia.

11

12

13

14

15

16

MR. STRONG: Were they going to testify?

17

18

19

MR. ENGLISH: We expected to use them as expert witnesses in the trial of the Alan Dean suit.

20

22

Q The effect of this new Zoning Ordinance is to eliminate five acre zoning?

23

24

A Yes.

25

Q In the adoption of this new Ordinance rezoning the

1

entire township, did you in voting upon it consider



promoted adequate water and air, clear water

or did you feel it had any effect upon it?

It was considered, yes. Yes, I considered it,

5

yes.

6

Q Well, what was the decision? Was it that it

7

did not effect clean water and air or that it would

8

effect it?

9

A It would effect it, yes.

10

Q And, in other words, to some extent or

11

would create some pollution of both water and

12

A Yes.

13

Q And in the adoption of this Zoning Ordinance,

14

it was adopted, so far as your vote is concerned, with

15

the knowledge that the population would increase

16

substantially.

17

A Yes.

18

Q What was your opinion as to congestion in the

19

streets or the necessity to either lay out more streets



streets?

It would be entirely up to the builder.

22

Q But overall, do you feel that it would cause

23

some congestion in the streets, having industry in

24

here?

25

A Yes, it would, yes.

1

Q Was this Ordinance adopted as a part of any  
[REDACTED] executive plan for either the Somerset Hills area  
[REDACTED] the other townships and communities surrounding  
Bedminster?

5

A I'm quite sure it was taken into consideration,  
6 the other communities adjoining us.

6

7

Q Were there consultations with officials of  
8 other communities surrounding Bedminster?

8

9

A Not to my knowledge, no.

10

Q And you say it was taken into consideration [REDACTED]

11

It was just the opinions of the board members  
12 themselves.

12

13

A I'm quite sure the board members themselves,  
14 and, of course, Mr. Agle and his sub-committee.

14

15

Q At no time, from either November 1972, when  
16 I believe the Planning Board first considered the entire  
17 new Zoning Ordinance, until its adoption in February  
18 of '73, was there any public meeting, where Alan Dean's  
19 representatives were present.

19

[REDACTED] not to my knowledge.

22

[REDACTED] there was a meeting which, I believe you characterized  
22 as executive or not on a regular meeting day, with  
23 Alan Dean's attorney.

23

24

A Yes.

25

Q Did Alan Dean's attorney make any presentation

1 at any public meeting of the Planning Board?

2 A Not to my knowledge, no.

3 Q I believe you stated that AT&T did not either.

4 A At a Planning Board meeting?

5 Q Yes. From November '72 onward.

6 A Not to my knowledge, no.

7 Q Was there an understanding that on the adoption  
8 of this Zoning Ordinance, that Alan Dean would  
9 discontinue its suit?

10 A Was there an understanding?

11 Q Yes.

12 A Not to my knowledge, no.

13 Q Well, did Alan Dean discontinue its suit  
14 the Ordinance was adopted?

15 A Did they discontinue?

16 Q Yes.

17 A Just before the adoption, yes, they did, but --  
18 all right.

19 Q Just before the adoption of the Zoning Ordinance  
20 dismissed its suit, right?

21 A Yes.  
22 Q And what was the basis for the dismissal? Was  
23 it the adoption of the new Zoning Ordinance?

24 A To my recollection, yes.

25 Q My question again is, was there some agreement

1 or understanding that if you adopted this new Zoning  
2 Ordinance, that Alan Dean would stop its suit?

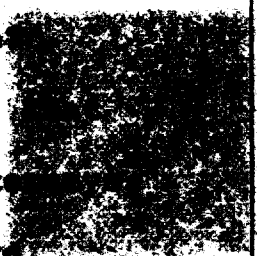


to my knowledge, no, no one from Alan Dean  
contacted me. Not to my knowledge.

5 Q Well, what was the interrelationship or  
6 interconnection between, a, the passage of the Zoning  
7 Ordinance in February '73 and, b --

8 MR. ENGLISH: It was April 16, 1973.

9 Q I beg your pardon. And, b, the dismissal of  
10 the Alan Dean suit? What connection was there



11 A I don't know what the connections are.

12 was up -- that was entirely left up to the attorney

13 MR. STRONG: Off the record.

14 (Discussion off the record.)

15 (After discussion.)

16 MR. ENGLISH: May I correct the  
17 record to state that the Alan Dean suit  
18 was in fact dismissed after the adoption  
19 of the Zoning Ordinance on April 16, 1973.



MR. STRONG: That's all I have.

22 I would like to state this, though,  
23 that due to the comprehensive nature of  
24 a suit in these proceedings, I would  
25 like to receive the right to recall the  
mayor if something comes up at a later  
time, or that I have overlooked at this time.

1

MR. ENGLISH: I'm sure the mayor  
will be glad to cooperate with you.



THE WITNESS: Very well.

MR. ENGLISH: Just one question.

5

6

7

CROSS-EXAMINATION BY MR. ENGLISH:

8

Q Mr. Mayor, I'm not sure about one detail.

9

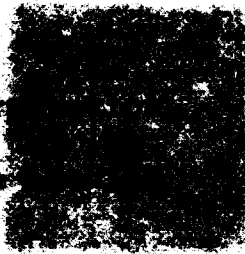
Are you employed by the Sterling Security

10

Corporation?

11

A No. I'm employed by Brady Security Cor



12

Q You told us that the two companies have

13

in common.

14

A No.

15

Q And you personally have no relationship with

16

Sterling.

17

A I have no relationship with Sterling.

18

MR. ENGLISH: Thank you.

19

That's all.



(Lunch recess.)

22

23

24

25



1

(After lunch recess.)

2

T E A R L S M I T H, sworn.

3

EXAMINATION BY MR. STRONG:

4

Q Where do you reside, sir?

5

A Somerville Road, Bedminster.

6

Q You have an official position with the township?

7

A Yes.

8

Q What is that?

9

A I'm the tax assessor and a member of the Planning

10

Board and Secretary of the Board of Health.

11

Q Are any of these positions paid positions?

12

A Tax assessor and on an hourly basis for

13

Board of Health.

14

Q How long have you been a member of the Planning

15

Board?

16

A Since I've been the tax assessor, 1958.

17

Q And what is your job outside of the Township

18

Committee job?

19

A I work for the Somerset County in the Administration

20

in Somerville, in charge of reproductions, printings.

21

Q Do you have any official connection with any of

22

the planning -- any official position with the Planning

23

Board of Somerset County?

24

A No, no more than speaking terms.

25

Q Are you familiar with the Somerset County Master Plan?

1 A Reasonably, yes.

2 Q Do you know whether that Master Plan was under  
[REDACTED] ion by the members of the Planning Board of  
[REDACTED] when the Ordinance, present new Zoning  
5 Ordinance was under consideration?

6 A I'm quite sure it was considered in the deliberations.

7 Q Did the Township Planning Board members have  
8 copies of this Ordinance or did someone come and  
9 attend the meetings?

10 A Well, I couldn't vouch for whether they  
11 copies of the Ordinance or not, but from time  
12 I'm sure it has passed through the Planning Board

13 MR. ENGLISH: You mean the  
14 Plan.

15 THE WITNESS: That's right. The  
16 County Master Plan.

17 Q Are you familiar with what is projected in that  
18 Master Plan for Bedminster?

19 A Not to the letter. I'm familiar.

[REDACTED] know generally they project Bedminster as  
[REDACTED] community, from before the present time until  
22 the year 2,000?

23 A I think that's a general interpretation.

24 Q When did the Planning Board commence to consider  
25 completely rezoning Bedminster?

1 A I wouldn't have the foggiest idea what date

2 [REDACTED] if that's what you're referring to.

3 [REDACTED]'s right. Well, if I can try to pinpoint

4 [REDACTED] Smith, do you remember when AT&T Long Lines

5 Division opened an office in Bedminster?

6 A I'm familiar with it, yes.

7 Q That would be toward the latter part of 1971?

8 A I believe so, yes.

9 Q Do you know when AT&T Long Lines Division

10 first made an application to Bedminster Township [REDACTED]

11 the Planning Board or the Township Committee, [REDACTED]

12 into the township?

13 A I would have no knowledge of when that happened.

14 It may have been to the Township Committee, and I would  
15 have no way of knowing. I don't attend their meetings.

16 I mean, their executive sessions. I attend the  
17 same meetings that you do here.

18 Q Did any personnel of AT&T Long Lines Division  
19 attend meetings of your Planning Board after the end

[REDACTED] they opened their offices?

[REDACTED] to my knowledge, I don't remember seeing  
22 [REDACTED] in here.

23 Q The only board with which you are connected  
24 which considers applications is the Planning Board, is  
25 that right? You don't belong to the Township Committee, do  
you?

1 A I do not belong to the Township Committee.

2 Q Do you remember that AT&T Long Lines printed  
3 pamphlets or brochures about their intentions in  
4 coming into Bedminster?

5 A They may have. It may have been something  
6 that's passed in passing. I couldn't

7 Q Do you know whether they distributed  
8 the township?

9 A I really wouldn't know.

10 Q The application of AT&T Long Lines Division  
11 was to obtain an amendment to the Zoning Ordinance  
12 to rezone 111 acres, so they could build a national  
13 headquarters?

A I didn't understand you.

(Whereupon, pending question  
read back by the reporter.)

A You want to know if they did or when they did?

18 Q Well, was that the purpose of their application?

19 A Well, not having reviewed -- not reviewing the  
20 application as such, I have nothing to do with applications,  
21 so I wouldn't -- if you're referring to that.

22 Q You're not an alternate, but you are a regular  
23 member.

24 A That's right.

25 Q Do you remember what the application was by AT&T

1 to the Planning Board?

2 A No, exactly.

3 Q Well, do you know the first communication, whether  
4 letter or an application, or when it was received, first,  
5 and secondly, what it was about?

6 A No, afraid not, there's too many [REDACTED]  
7 1971. I wouldn't know when it was received [REDACTED]  
8 sure that the natural process of this is what has  
9 come about, and, no, I wouldn't say.

10 Q Well, was AT&T's application to the Planning  
11 Board made in 1971 or 1972, if you recall?

12 A As I said before, I don't know what date it was.

13 Q You don't know which year it was.

No.

What is your first recollection of AT&T's  
application to come into Bedminster?

14 [REDACTED]  
15 Well, there's been so much scuttlebutt before  
16 it got to the Planning Board, that it would be hard for  
17 me to say. I think the one firm time was the time  
18 that all the departments were invited to AT&T's office,  
19 you know, that everybody was there, everybody in town  
20 had been there, the office was open to the public, so  
21 I don't think that was -- that was the [REDACTED]  
22 of what they intended to do and what [REDACTED] was.  
23

24 Q In other words, AT&T extended an invitation to  
25

1 the Planning Board, the Township Committee members --

2 A And the public.

3 Q Excuse me?

4 A And the public was invited.

5 Q Well, was there a general meet  
6 offices here in Bedminster?

7 A No. You mean as the Planning  
8 Township Committee?

9 Q Well, when you said and the public, I was trying  
10 to find out if it was a big, general meeting or what.

11 A That's what it was, when they opened their display.  
12 The display was open prior to our meeting. They invited  
13 us to come down and look at it, that was all.

When was this public meeting?

I haven't the foggiest.

Do you know how many people attended?

Oh, I would say probably twenty-five or better.

18 Q Did the Planning Board attend as a unit?

19 In other words, seven members of the Planning  
20 Board go down there together?

21 A No, no. It was all the departments, Board of  
22 Adjustment, the Township Committee, Planning Board,  
23 the Treasurer, any number, alternates  
24 the Board of Health.

25 Q Do you recall how soon after they opened that

1 this meeting was held?

2 A Oh, a considerable time, I wouldn't know exactly  
3 how long.

4 Q Did some representative of AT&T, whether an  
5 official or one of those in the office  
6 here, come and meet with the members  
7 Board?

8 A Not that I could tell you that they were, as such.  
9 You're talking about the early stages of did they come  
10 and --

11 Q Yes.

12 A No, I would say no.

13 Q Did they come to your meeting, or any of your  
meetings, I should say, and tell you they were going  
to open an office here in Bedminster?

They may have, but I don't remember whether  
17 it was through the attorney or through --

18 Q Or did they tell you after they had opened an  
19 office that they had opened it here?

20 A Well, the office -- I should go back, I'm  
21 sorry. I don't think anybody told the Planning Board  
22 that they were opening an office here.

23 The office was opening. It was  
24 due to all the other paper releases at  
25 can't help but know these things. And the office was

1 opened there.

2 Q Before it was opened, were you aware that they  
3 were going to open it?

4 A Only from what I might read in the paper.

5 Q Just through the newspaper accounts [REDACTED]

6 A That's right.

7 Q Did you in fact know, then, through  
8 accounts or whatever that they were going to open an  
9 office in Bedminster?

10 A That's right.

11 Q Well, a while ago, Mr. Smith, in answer to a  
12 question, you said due to the scuttlebutt and what  
13 not that was going around. What scuttlebutt did you  
14 refer to?

15 A Well, I think everybody had an idea of what was  
16 going to go on, what you hear around, what AT&T was  
17 going to do.

18 A Why, it was just a lot of scuttlebutt of what  
19 they might be going to put here. The same kind of an  
20 affair that happened when Western Electric first came  
21 here.

22 Q Was there any executive or private meeting of  
23 the Planning Board with either Mr. Pierce [REDACTED]

24 A There never was while I was attending [REDACTED]

25 Q And you know who Mr. Pierce and Mr. Agee are?



1 A Yes. I met them later, after the night of the  
2 invitation that I met both of them.

3 Q Who are they, sir?

4 A Pierce and Agee.

5 Q They are what, AT&T personnel?

6 A Yes.

7 Q Do you know what positions they

8 A No, I don't know what their positions are.

9 Q Did the Planning Board pass a resolution favoring  
10 the application of AT&T to come into Bedminster?

11 A The Planning Board wouldn't pass a resolution,  
12 I don't think.

13 Q They didn't?

I think it's up to the Township Committee to  
pass a resolution.

Well, didn't AT&T make an application first to  
the Planning Board to come into Bedminster?

18 A Yes.

19 Q And was there any action taken on that application?

20 A I don't think there was any action taken on  
21 that for a considerable time.

22 Q Well, regardless of time, did they  
23 take any action on that application?

24 A Well, every applicant's application  
25 over the time, and the action would come along some time or  
other.

1 Q What was done about their application?

2 A In terms of what was done --

3 Q Well, was their application submitted to a vote?

4 A There has been votes at times along the way.

5 Q I'm referring to the AT&T appl

6 A Right.

7 Q Was there a vote taken on the

8 If you know.

9 A Yes, there had been votes.

10 Q What was the result of that vote?

11 A Not having had the records of the Planning Board  
12 before me for sometime, I wouldn't know what the count  
13 was of that vote.

Did you vote on it yourself, sir?

Yes, I did.

And were you in favor of it?

Yes, sir.

18 You seem to have known this before from some  
19 other meetings. I understand we got a read back from  
20 you of who voted for what, so it doesn't seem like  
21 it's a very pertinent question.

22 Q Well, regardless, you voted in favor of the application.

23 A Right.

24 Q Was there a resolution submitted  
25 Committee?

1 A I can't recall.

[REDACTED] from your knowledge, the Township Committee  
[REDACTED] take action upon that -- withdraw that.  
[REDACTED] Did the Township Committee take any action

5 on the resolution in favor of AT&T?

6 MR. ENGLISH: I object to the  
7 form of the question, because he doesn't  
8 remember whether there was a resolution  
9 or not.

10 Q When did the Planning Board start considering  
11 of rezoning Bedminster? [REDACTED]

12 A That I wouldn't know. I don't remember  
13 we started it. It's been going on for considerable  
14 time and I certainly couldn't give you time or date.

15 Q The rezoning contemplated rezoning the 111 acres  
16 AT&T was interested in in the beginning, is that right?

17 A Now what was this again?

18 (Whereupon, pending question  
19 [REDACTED] read back by the reporter.)

[REDACTED] I say the rezoning, I mean the new zoning

22 A I don't think that was primary to it.

23 Q Not necessarily primary, but it did contemplate  
24 rezoning. That was to be rezoned.

25 A Yes, it had to be re -- it's to be rezoned.

1 Q And the new Zoning Ordinance carried the same RO  
[REDACTED] that AT&T requested initially before the new  
[REDACTED] was put in.

[REDACTED]'s have that again.

5 (Whereupon, pending question  
6 read back by the reporter.)

7 A I can't answer that one.

8 Q Do you recall whether in November 1972 that  
9 the Planning Board commenced to consider rezoning  
10 the entire township? [REDACTED]

11 A The exact time, I can't tell you whether  
12 that particular time. I attend too many meetings  
13 really get the dates of all these things. I don't  
14 know whether I attended Board of Health or Planning  
15 Board. So, I'm sorry, I can't answer you the exact  
16 time.

17 Q Do you know how long a period of time the Planning  
18 Board had under consideration rezoning the entire township?

19 [REDACTED] there again, this has been over a long period

[REDACTED] would it be a matter of three or four months?

22 A Oh, I would say longer than that.

23 Q And originally the Planning Board did recommend,  
24 in February 1973, the adoption of a new Ordinance, and  
25 it was published at that time, was it not?

1 A Right.

[REDACTED] and do you know, then, how long prior to  
[REDACTED] 1973 that they had been considering, the  
[REDACTED] Board had been considering it?

5 A You're back to the question you asked me before.  
6 I do not remember.

7 Q Did you have the opinions of anyone as to the  
8 effect of the new zoning on population growth under  
9 consideration?

10 A I would say that we did. I think it was  
11 Agle who, our planner, gave us opinions of what  
12 growth would be.

13 Q And do you remember a figure of 40,000 increase  
14 in population for the Somerset Hills area, of which  
15 Bedminster is a part?

16 A I don't remember that figure at all.

17 Q Do you remember a figure of 90,000 population  
18 for the Somerset Hills area as a result of this  
[REDACTED] nce?

[REDACTED] runs in my mind as a figure that came  
[REDACTED] paper somewhere along the way. I don't know  
22 who -- what official capacity it came from.

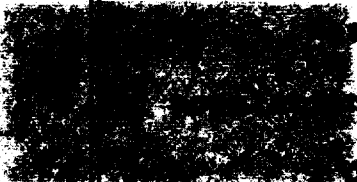
23 Q The paper was quoting from Agle, was it not?

24 A I don't believe so.

25 MR. STRONG: I suppose we better  
mark this.

1

MR. ENGLISH: Okay.



Isn't it Mr. Charles Agle who projected a

growth of 90,000?

I don't remember any 90,000 figure from Charles

5

Agle.

6

Q Well, do you remember a figure of 90,000?

7

A Yes, I remember it and if my memory serves me

8

correctly, I think it was quoted by you from a

9

newspaper clipping.

10

Q But did you know where I got that figure?

11

A I can't recall the gentleman's name, but

12

I think he lives in Bernardsville or Bernards Town

13

or something.

14

Q Well, I'll show you two newspaper accounts,

15

and maybe this can help refresh your recollection,

16

Mr. Smith.

17

The first one is of the Bernardsville News,

18

February 8, '73, and if you will note in there, the



headline of it is, "Mc Elroy continues discussion

population prediction."

I note in there a reference to, quotes, rock

22

bottom, quotes, population increase of 40,000 persons?

23

A Well, you're talking about the Somerset Hills.

24

Q That's right. Somerset Hills.

25

A Well, 40,000 people in the Somerset Hills would

1

cover a lot of territory.



. That's the projected increase --

It means nothing to me, if they say 40,000 people in the Somerset Hills. What would interest me was the figures by municipalities.

5

6

Q My only point now is, do you remember that this was a figure that was projected by Mr. Mc Elroy of Bernardsville?

7

8

9

A Who is Mr. Mc Elroy?

10

Q Excuse me?

11

A Who is Mr. Mc Elroy?

12

Q He is a former board member in Bernardsville

13

he's apparently a consultant on planning, as far as I know. I don't know, Mr. Smith, I'm just trying to help you out in answer to your question to me.

14

15

16

A Does he hold a planner's license or something?

17

Q I don't know. But that's a 40,000 figure

18

projected by, unless the newspaper article is wrong,



by Mr. Douglas Mc Elroy, is that correct?

Yes, that's what it says.

22

this article that I'm showing you, also from the Bernardsville News, also February 8, 1973, speaks of a 90,000 population growth in the Somerset Hills area, is that correct?

23

24

25

A It's by the same fella. So can he say two things

1

at one time?

[REDACTED] it by the same fellow, Mr. Smith?

[REDACTED] see it's your article, your letter to the

5

Q That's right. All I'm trying to find out is,  
6 do you recall, number one, a projection by Mr. Mc Elroy  
7 of a 40,000 population increase and an estimate by  
8 Charles Agle, who is the township's planning consultant,  
9 of a 90,000 growth potential for the Somerset Hills  
10 area, based on AT&T Long Lines application? [REDACTED]

11

A I do not remember Agle ever using that

12

Q Did he use any figure?

13

A The only time I remember him using a figure was  
14 in rebuttal to your question at the time at a meeting.

15

Q When was that meeting?

16

A I really couldn't tell you.

17

Q That was recent?

18

A I would say so. Whenever you quoted. You know

19

[REDACTED] n I.

[REDACTED] was quite a long time after February of '73,

22

A I don't know. I can't recall.

23

Q When you had this Ordinance under consideration,

24

did you have projections of the effect of this Ordinance

25

upon population in Bedminster?



1 A I would think that that was the topic of  
[REDACTED] tion.

2 [REDACTED] there a projection given that the population  
3 [REDACTED] ter would increase after the passing of this  
4 Ordinance?

5 A I don't think it pertained particularly to the  
6 passage of the Ordinance. I think the population  
7 projections that come out are usually part of the  
8 overall of the conditions, and not particularly the  
9 pertinence of the passing of the Ordinance. [REDACTED]

10 Q Well, my question now is directed to the  
11 of the Ordinance upon population growth. Was [REDACTED]  
12 opinion of the board members that it would increase  
13 population?  
14

15 A That was not the intent.

16 Q I realize that, but I'm asking you what would  
17 be the effect? Did they state the effect would increase  
18 the population?

19 A I don't recall what percentage of increase or  
[REDACTED] tion increase.

20 [REDACTED] there an expert's opinion given to the  
21 Planning Board members as to the effect of this new  
22 Zoning Ordinance on population increase?  
23

24 A The only expert we used was Agle.

25 Q All right. We'll come back to Mr. Agle now.

1

Did Mr. Agle say that it would increase



ally the population in Bedminster?

think all these projections have been over a

not the instant effect of the Zoning Ordinance

5

at the time of passing.

6

Q Was there a projection made -- withdraw that.

7

Was there an opinion given to the Planning Board

8

members when they had this Ordinance under consideration

9

as to whether it would increase congestion in the streets,

10

whether it would require new streets, or whether

11

would require paving of more streets?

12

A No.

13

This has been taken into consideration in the

14

Master Plan.

15

Q Which Master Plan?

16

A The 19 -- the latest one, --

17

THE WITNESS: Mr. English, do you know?

18

MR. ENGLISH: You mean the Township

19

Master Plan.



THE WITNESS: The Township Master

Plan.

22

Q I'm talking about the new Zoning Ordinance and

23

you are aware the new Zoning Ordinance will now permit

24

AT&T to come in, because that area has been rezoned in

25

their interest, and that also housing can be increased

1 here, because of the elimination of five acre zoning.

2 [REDACTED] it --

3 MR. ENGLISH: I object to that  
4 question, because there is no proof that  
5 the new Ordinance by substituting three  
6 percent for five acres is going to increase  
7 housing. If you're going to make that  
8 assumption, Mr. Strong, you've got to  
9 prove it and I'll not let you put that  
10 into a question to the witness. [REDACTED]

11 Q I'll ask the witness.

12 Is this change from five acre zoning in [REDACTED]  
13 opinion going to increase housing in Bedminster?

14 A No, because, I quite honestly don't believe it will.

15 Q Is it your opinion that the elimination of five  
16 acre zoning, as we knew it under the old Ordinance, is  
17 going to increase the population?

18 A I just answered you.

19 Q Excuse me?

20 [REDACTED] just answered your question. You're rephrasing  
21 [REDACTED] on again.

22 Q I'd just like to know for sure, in view of your  
23 counsel's objection.

24 A Well, all right, let's read it back.

25 (Whereupon, pending question read  
back by the reporter.)

1

A No, I don't think so, because for obvious  
[REDACTED] don't think we will have an increase in

5

[REDACTED] it your opinion that the adoption of the new  
Zoning Ordinance will or will not create more congestion  
6 in the streets?

6

7

A Well, if I said it wouldn't increase the population,  
8 it wouldn't increase the congestion.

8

9

Q Is it your opinion that it would increase  
10 the need for additional services, such as police  
11 fire, or sewerage?

10

11

12

A Well, these things have been natural in  
13 along the years --

13

14

Q I'm referring only to the Zoning Ordinance, this  
15 new Zoning Ordinance, what effect that will have.

15

16

A I don't think it will have very much effect  
17 on the increase that wouldn't be natural increases over  
18 the years and time.

17

18

19

[REDACTED] it is your opinion of the effect of the new  
[REDACTED] ordinance upon air and water?

19

20

[REDACTED], I think we have taken that into consideration  
22 when we have an environmental impact statement that must  
23 be filed.

22

23

24

Q All right, but what is your opinion, now that  
25 the Ordinance is adopted?

25

1 A I think that will take care of it.

2 [REDACTED] it create any pollution, water pollution  
3 [REDACTED] lution?

4 [REDACTED] through the following of the environmental  
5 impact statement.

6 Q When the Planning Board recommended the new  
7 Ordinance, and I guess that was in February of 1973,  
8 this year, and it was published, do you remember that,  
9 and the hearing March fifth, was the suit of Alan Dean  
10 pending against Bedminster?

11 A Well, it has been for sometime, I'm sure [REDACTED]

12 Q It was pending then. And it was prior to [REDACTED]  
13 that you had already, your board, Planning Board had  
14 already passed a resolution favoring AT&T's application,  
15 isn't that right? You'd done that sometime before that.

16 A Yes.

17 Q What was the reason, what were your reasons  
18 for adopting the new Zoning Ordinance? I'll withdraw  
19 that.

20 [REDACTED] the fact that the Alan Dean suit was pending  
21 [REDACTED] AT had been given approval to come in, did  
22 those factors enter into your decision to vote for the  
23 new Zoning Ordinance?

24 A Well, they both had some effect on it, that's  
25 for sure.

1 Q They had some effect?

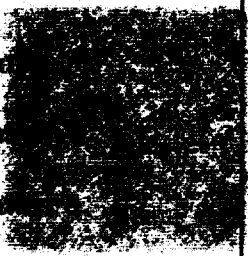


2, can you give me something better than  
3 they the primary reasons or secondary  
4 reasons for adopting the Ordinance?

5 A Well, I would say they were a secondary reason.

6 Q What was the primary reason?

7 A I think the primary reason is to indicate that  
8 we're trying to -- or not only trying, but the  
9 Planning Board's -- Planning Board was developing  
10 something that we would have to work with different  
11 than the old Zoning Ordinance, because we are aware  
12 that things will happen to the five acre zone.  
13



14 Q When was the old Zoning Ordinance adopted?

15 A The date I wouldn't know.

16 Q When was the 111 acres that AT&T wanted rezoned  
17 for R and O, when was that rezoned to residential  
18 five acres?

19 was that rezoned?



20 I can't tell you, I can't remember when it was  
21 rezoned.

22 Q Was it as recent as 1970?

23 A I don't think so.

24 Q You state that Alan Dean's suit and AT&T's  
25

1 application to come in here were secondary reasons for  
2 the new Zoning Ordinance.



3 saw the primary reason was just that  
4 you wanted an Ordinance that you could work

5 with, is that right?

6 A That's right.

7 Q When did you first come to the decision that  
8 the present Zoning Ordinance couldn't be worked with?

9 A I think over the months of reviewing all these  
10 meetings, in the review of all the meetings that  
11 have, and also in consideration of some of the  
12 cases that have been handed down recently, that  
13 better think about something in our zoning.



14 Q The court cases being related to the Alan Dean  
15 suit?

16 A Not necessarily, no. I'm talking about outside  
17 court cases, if you'll read the paper you'll find some  
18 of them have been --

19 Q Can you tell me what you're referring to, what  
20 cases?

21 we've had several of them along the way  
22 that have been, on the state level that I'm quite sure  
23 you're aware of, where the courts did the zoning and  
24 not the Planning Board.

25 I can't quote you. I won't quote you any cases.

1 Q Where the courts did the zoning.



Well, it's quite true.

that the opinion of the Planning Board

Do you remember any discussion along those

5 lines?

6 A That more or less was my opinion.

7 Q Did you hear any of the Planning Board members  
8 give an opinion as to what was their main reason for  
9 adopting a new Ordinance?

10 A Well, I can't answer you that. I can't  
11 for the other six members.

12 Q You had meetings and discussions.

13 A Yes.

14 Q Before the general meeting of March 5, 1973, at  
15 the school --

16 MR. STRONG: Off the record.

17 (Discussion off the record.)

18 (After discussion.)

19 Q --other than the publication of the proposed  
20 nce, did the Planning Board make the public  
21 ne intention to adopt this new Ordinance?

22 A I really don't know what you're driving at.

23 Q Well, never mind what I'm driving at. I just  
24 want you to answer the question.

25 A Well, okay, give it to me again.





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(Whereupon, pending question read  
back by the reporter.)

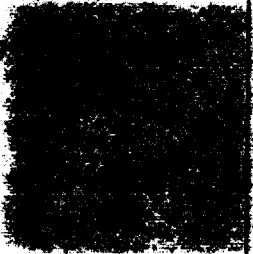


I think that's what the hearing was for.

publication of the proposed new Ordinance  
was made about two weeks before the general meeting  
of March 5, is that right?

A It could be. I don't know the exact time. It  
could be.

Q Were the citizens of Bedminster aware before  
that publication that there was this new Zoning  
being proposed?



A I'm quite sure.

Q In what way?

A Well, it certainly was enough -- not publications,  
but enough indication by paper and by groups that there  
was going to be a hearing on this, and that you certainly  
don't pass anything until after you've had a hearing  
as required by law.

Q All right. That's within a period of about two  
weeks before March fifth. I'm asking you  
period of time, when they published the  
Ordinance, getting ready to hold the March fifth meeting,  
before that, were the citizens of Bedminster aware  
that there was going to be a new Ordinance proposed?

A Well, I'm quite sure.

1 Q How? How are you sure?

2 [REDACTED] t by what I just explained, by different  
3 [REDACTED] newspaper articles, your explanations at  
4 [REDACTED] times.

5 Q Mr. Smith, my explanations, as you recall,  
6 were opposing AT&T's application, isn't that right?

7 A Right.

8 Q And the AT&T application was a limited thing  
9 for rezoning 111 acres to R and O zone so they could  
10 build their headquarters there.

11 Now what I'm asking about is, now the ch  
12 to the consideration of a complete rezoning of [REDACTED]

13 A You think it would be possible to hold a rezoning  
14 without having the public know about it?

15 Q I'm asking you the question, sir. I'm asking  
16 you if you know if the public was made aware of it or  
17 not?

18 A I'm quite sure they were, by other means than  
19 telling them personally one by one. I'm pretty sure  
20 [REDACTED] all aware of it.

21 [REDACTED], you can't cite, or can you cite, newspaper  
22 accounts or anything else that would show that they  
23 were aware or being made aware?

24 A No, I really couldn't cite day or page or  
25 paper, either, but I'm sure that there was enough of it

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - SOMERSET COUNTY  
DOCKET NO. L-277000-72

ASSOCIATION OF BEDMINSTER CITIZENS, a )  
corporation of New Jersey,

Plaintiffs, )

-vs-

CERTIFICATE

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

Defendants. )

I, RICHARD C. GUINTA, the officer before whom  
the foregoing depositions were taken, do hereby certify  
that the witnesses whose testimony appears in the  
foregoing depositions were duly sworn by me, and that  
said depositions are a true record of the testimony  
given by said witnesses; that I am neither attorney  
nor counsel for nor related to or employed by any  
of the parties to the action in which the depositions  
were taken; and further that I am not financially interested  
in the action.



RICHARD C. GUINTA

Notary Public and Certified Shorthand  
Reporter of the State of New Jersey

1 in the paper.

2 They wouldn't have turned out 400 people if they  
3 didn't know about it.

4 Q That was between the time it was published  
5 and the March fifth meeting. That could happen,  
6 could it not, in that time?

7 A Yes.

8 Q I may have asked you, I do not recall, but did  
9 you have any meetings, and I'm talking now about the  
10 consideration of the new Zoning Ordinance, not the AT&T  
11 Long Lines application, did you have any meetings with  
12 representatives of Alan Dean or AT&T to discuss this  
13 proposed entire new Ordinance?

14 A Not while I was present at a Planning Board  
15 meeting.

16 Q Did you hear of any?

17 A No, I did not.

18 Q Other than the secondary reason, as you stated,  
19 the Alan Dean suit was pending and AT&T had applied  
20 to come into Bedminster, the primary reason that you  
21 felt that you had to get an Ordinance you could work  
22 with, were there any other reasons for the adoption of  
23 this new Zoning Ordinance?

24 A There may have been that I can't recall at this  
25 moment. I wouldn't attempt to, in the number of meetings

1 that have happened between the beginning and the ending  
2 of this.

3 Q At any rate, the consideration, the plan or idea  
4 to have a new Zoning Ordinance did not come from the  
5 general public in Bedminster.

6 A No, I don't think the general public -- well,  
7 the years that I have been on the Planning Board, I  
8 have yet to see the general public come in and recommend  
9 something to the Planning Board.

10 Q From all that appeared, they were completely  
11 satisfied with the Zoning Ordinance as it existed  
12 before the new Ordinance.

13 A Oh, maybe they were. That's why you're required  
14 to have a hearing.

15 Q Do you recall whose idea it was, or who started  
16 this idea of having a new Zoning Ordinance?

17 A No.

18 Q In this town, of course, we have the north branch  
19 of the Raritan River and the Black River, is that correct?

20 MR. ENGLISH: You have to say yes,  
21 the machine doesn't take a nod.

22 A Yes, the north branch, the south branch, the  
23 Black River, which is part of the south branch.

24 Q And do you know that this is a source of water  
25 supply for other sections of the State of New Jersey?

1 A Yes, I'm aware of that.

2 Q And do you know what other areas?

3 A What do you mean, "What other areas?"

4 Q Where does the water supply go? What other areas  
5 use our water resources?

6 A Somerville, Elizabethtown Water, and I'm sure  
7 there's some others that take water out of the branches  
8 of the river, which when they take it out they have  
9 to have permission from the state to do it, so that's  
10 a well known fact, you could find out who takes water  
11 out of the river.

12 Q Would you say the Central Jersey area is  
13 supplied in part at least, by the water resources of  
14 Dedminster Township?

15 A I would say some part.

16 Q Was there under consideration by the Planning  
17 Board the possibility of water pollution in Bedminister?

18 A I'm quite sure, that's what brought along the  
19 environmental protection -- I mean the environmental  
20 impact statement.

21 Q Was there any report by Peter Larson as to the  
22 effect of AT&T Long Lines upon the water from the  
23 north branch?

24 A I think Peter Larson made a statement. I wouldn't  
25 know, couldn't remember what the statement was.

1 Q What experts were consulted, or what experts'  
2 opinions were given to the Planning Board members  
3 before they passed this new Ordinance?

4 A Experts in what field?

5 Q Any field.

6 For instance, Charles Agle was

7 A Oh, yes.

8 Q And he was in what particular area? Population?

9 A Well, zoning and planning, population, so forth.

10 Q Well, didn't Mr. Peter Larson give an opinion?

11 A He gave an opinion, I think at the hearing.

12 Q Was he consulted by your Planning Board, before  
13 the adoption of the Ordinance?

14 A That, I recall talking to Larson, but I don't  
15 remember -- not personally, I mean the Planning Board  
16 talking to Larson. When it was, I can't tell you.

17 Q You don't know whether it was before or after  
18 the Ordinance was adopted?

19 A Well, I would say that it was before, but I  
20 don't want to say.

21 Q Did he give an opinion as to what effect AT&T's  
22 use had upon the water and what the water's condition  
23 would be when returned to the north branch?

24 A No, I don't think he had that much professional  
25 advice.

1 Q What kind of advice did you have from him? What  
2 was the nature of it?

3 A Well, as I say, we just had a conversation with him.

4 Q Didn't he state that the water would not be  
5 restored to its former condition, that there would  
6 be pollution, after it was recycled by the Long Lines  
7 Division?

8 A Well, that may have been, somewhere along he  
9 may have said that. I hear it more recent than the  
10 date that you're referring to.

11 Q You don't necessarily recall whether he gave that  
12 opinion before you adopted the Ordinance?

13 A No.

14 Q When you had the Ordinance under consideration,  
15 and when I say you I mean the Planning Board, talking  
16 about the new Zoning Ordinance, were you aware, and did  
17 your board consider a 155 page report by the County  
18 and Municipal Government Study Commission?

19 A You're referring to the Planning Board, that  
20 we studied it?

21 Q Did you have that report or were you aware of  
22 the report?

23 A I personally wasn't aware of it. It may have  
24 been the attorney or planner that was well aware of it.

25 Q Were you aware that as stated in the report,



1 and I'll show you a quote from it in an article here,  
2 that because of pollution of its streams, rivers and  
3 waterways, New Jersey faces a, quote, water quality  
4 crisis that can be overcome only if the state, quote,  
5 totally, unquote, revises and unifies its sewage control  
6 and water supply laws?

7 A I wouldn't say, just off the top of my head, I  
8 would assume that the planner and the attorneys were  
9 aware of this.

10 Q Personally, you don't recall?

11 A I don't recall, no.

12 Q Before this new Zoning Ordinance was adopted,  
13 do you remember that the Planning Board approved AT&T's  
14 application and that it was -- it came up before the  
15 Township Committee? Were you aware of the fact that  
16 there were some 700 signers of a petition opposing AT&T's  
17 coming into Bedminster?

18 A I had heard it at meetings.

19 Q And it was after that that they were considering  
20 the adoption of the whole new Ordinance.

21 A This was the Planning Board you're referring to?

22 Q Yes. The new Ordinance before the Planning Board.

23 A Okay.

24 Q Did that enter into your considerations at all,  
25 the Planning Board deliberations?

1 A I would think that they were aware of it, that's  
2 for sure.

3 Q You yourself were aware of it?

4 A Yes, I was aware of it.

5 Q Was there any suggestion in your meetings that  
6 there be a referendum to decide on whether or not  
7 residents felt about with an entire new Ordinance?

8 A I don't believe so.

9 Q You don't know -- you didn't hear anybody else  
10 make any recommendations for a referendum?

11 A I can't recall.

12 Q When you voted upon the passage of this new  
13 Zoning Ordinance and you voted in favor of it, did  
14 you feel that the majority of the citizens wanted this  
15 new Ordinance?

16 A I thought so, yes.

17 Q Did you have an expression of opinion from any  
18 of these citizens?

19 A It depends on which side of the fence, who  
20 you're talking to.

21 We have some people that were very much in favor.

22 Q This is after, you're now projecting to them the  
23 Zoning Ordinance, is that right?

24 Before that, and while the new Zoning Ordinance  
25 was in your discussion stages and your meetings, were

1 there any people who wanted to have the Ordinance changed?

2 A Getting back to the answer that I gave to the  
3 question before, I would say there were.

4 Q Can you give an instance?

5 A No, I can't.

6 Q Did anybody say that they were ~~dissatisfied~~  
7 with the five acre zoning? I'm talking about  
8 Redminster citizens.

9 A Well, -- just a minute, I have to change the  
10 turntable.

11 (Discussion off the record.)

12 (After discussion.)

13 (Whereupon, pending question read  
14 back by the reporter.)

15 A I think you run into this occasionally on the  
16 Planning Board by listening to a lot of people  
17 dissatisfied with the zoning. Depends on what they  
18 would like for themselves individually.

19 Q And in your opinion, did this call for a scrapping  
20 of the existing Ordinance and the adoption of an entire  
21 new one?

22 A I don't think so.

23 Q Well, wasn't the Alan Dean suit, ~~the pending suit,~~  
24 coming at a point near to trial, when you were  
25 considering the new Ordinance?

A It could have been.

1 Q You were aware it was coming up.

2 A Well, it has been. It's been well known fact  
3 for some time.

4 Q I believe you stated that you voted in favor of  
5 AT&T's application to come into the township when it  
6 was just to rezone that section.

7 A That's right.

8 Q And isn't it a fact, then, that the real reasons  
9 for adopting this new Zoning Ordinance were those two  
10 things, the Alan Dean suit, to get that disposed of,  
11 and to permit AT&T to come in the township?

12 A I don't think so.

13 Q You say you don't think so. You're not sure or  
14 you don't recollect?

15 A You're putting words in my mouth.

16 Q No. I'm asking you two alternatives. If there's  
17 a third alternative, if that was it, please suggest it.

18 A Would you read that back, please?

19 (Whereupon, pending question read  
20 back by the reporter.)

21 A I really don't recall.

22 Q Which came first, the adoption of the new Zoning  
23 Ordinance or the settlement of the Alan Dean suit, do  
24 you recall?

25 A You say the adopting of the new Zoning Ordinance --

1 Q I should say the Planning Board's recommending  
2 in February '73 the adoption of the new Zoning  
3 Ordinance or the dismissal of the suit?

4 A Which came first?

5 Q Yes.

6 A I don't recall which came first. You're asking  
7 me for two different things there that may have been  
8 so close together I wouldn't know. I wouldn't remember.

9 Q The new Zoning Ordinance was adopted in April 1973,  
10 is that correct?

11 A You're quoting a figure that could be.

12 Q Is that your recollection that's when it was  
13 adopted? April of this year.

14 A If that was the date it was adopted, I would say  
15 so.

16 Now, I have no way of knowing. I don't have  
17 the records and I don't carry this in my head.

18 Q When the new Zoning Ordinance was adopted, was  
19 there an understanding or an agreement with Alan Dean  
20 that their suit was to be dismissed.

21 A Not that I know of.

22 Q Do you know, as near as you can recall, whether  
23 it was dismissed close in time to the adoption in  
24 April of the Ordinance?

25 A I still can't say just when, because of time there.

1 I have no way of knowing what dates these things happened.

2 Q It all happened just within this year, so Mr. Smith.

3 A Well --

4 Q Just a few months back.

5 A Well, it must be, but you're asking me for  
6 dates.

7 Q Well, I don't mean to be precise on dates. I'm  
8 asking you generally within periods of time, a month,  
9 two months or a couple of weeks or whatever. Not  
10 necessarily the exact date.

11 A No, I can't give you dates.

12 Q In your opinion, what was the primary or essential  
13 aim of this new Zoning Ordinance that was adopted?

14 A That would call for a rather large description.  
15 I'll not attempt to describe that.

16 Q You don't think you can give us an answer to that?

17 A I don't think I can give you the description that  
18 you're looking for.

19 Q Well, is there any reason why, Mr. Smith?

20 A No, no. I don't think I can give you an  
21 adequate description.

22 Q When the new Zoning Ordinance was being brought  
23 up -- well, when it was being considered, rather, by  
24 the Planning Board members, was there a committee  
25 appointed to make a study, appointed by Mr. Fales, the  
chairman?

1 A To make a study of --

2 Q To make recommendations for a new Zoning Ordinance.

3 A We had several advisory committees over the  
4 period of time.

5 Q All right. I'm referring to the new Zoning  
6 Ordinance, a committee for that.

7 A I would say there was, but I certainly couldn't  
8 tell you who was on it.

9 Q Were you on the committee yourself?

10 A No, I was not.

11 Q From what source did they get the terms and  
12 provisions of this new Zoning Ordinance?

13 From where did they come?

14 A When you say source --

15 Q Was it other communities, other Ordinances, or  
16 some member of the Township Committee or a planning  
17 consultant?

18 A They came from other communities that have used  
19 this -- I think you're referring to the percentage type  
20 of --

21 Q That among other things.

22 A Yes. It came from other municipalities.

23 Q There was a newspaper account stating, however,  
24 that this was the first time ever that this type zoning  
25 was adopted by any municipality, in fact in the United

1 States, isn't that so?

2 A Well, I remember reading that in the paper,  
3 but I think it's a fact that, in essence, it's been used  
4 in several other municipalities.

5 Q Are there any of those municipalities in New Jersey?

6 A Yes.

7 Q Do you remember the names of any of them?

8 A Yes.

9 Q Can you give us the names? Can you give us the names?

10 A I was waitin' for the telephone to stop. I  
11 think you'll find Princeton Township, Princeton Borough,  
12 and some parts of Summit.

13 Q Could you call those three communities rural or  
14 would you call them urban?

15 A Well, I think Summit would be more urban type,  
16 Princeton Borough and Princeton Township, I wouldn't  
17 know what classification to put them in.

18 Q Do you know how long those Ordinances were in  
19 effect in those respective communities?

20 A No, I don't.

21 Q A matter of a couple years or a longer time than  
22 that?

23 A In just my own opinion, I would say longer than that.

24 Q Was there a study presented to the Planning Board  
25 as to the effect of these Ordinances upon either sparing



1 or limiting population growth, or pollution control or  
2 lack of it?

3 A No.

4 Q Was there a reason why the Planning Board decided  
5 to adopt this Ordinance, from the knowledge that these  
6 communities you mentioned had similar Ordinances?

7 A Well, that would have some bearing on it, but  
8 the basic was, I think from the standpoint of our planner.

9 Q What?

10 A Our planner's report.

11 Q And the planner is Mr. Agle?

12 A Mr. Agle, right.

13 Q Was there a projection of the effect of this  
14 Ordinance upon land values?

15 A No, I don't think so.

16 Q Was there any discussion in your Planning Board  
17 meetings when considering this Ordinance about land  
18 values?

19 A No.

20 Q Well, isn't it a fact, Mr. Smith, that there  
21 was a projection made by one or another of the experts  
22 that land values would greatly increase with the adoption  
23 of this new Ordinance?

24 A It may, but I go back to the environmental  
25 statement which was required that will limit the use  
of a lot of land.

WOL  
ASL

1 Q Was it your opinion that the passage of this  
2 new Ordinance would not increase land values in Bedminster?

3 A Oh, no. There isn't anything that would happen  
4 that would decrease the land value, regardless of what  
5 you did, whether you cahnged the Ordinance or didn't  
6 change the Ordinance.

7 Q Well, regardless of other factors, would this,  
8 the passage of this new Ordinance, in your opinion,  
9 increase or accelerate the increase in the value of  
10 real estate?

11 A I don't think so.

12 Q Is it your opinion that it will change it in  
13 any other way or decrease the value?

14 A I wouldn't say it would decrease it, no.

15 Land values will still go for whatever they can  
16 buy it for. You can get most anything for a piece of  
17 land in Bedminster Township.

18 The controlling factor would be the use factor  
19 that would come under the environmental statement.

20 Q Aside from that, though, what effect in your  
21 judgment does this Zoning Ordinance have upon land values?

22 A I just --

23 Q No. You referred to the fact that Bedminster  
24 values would increase anyway. I'm sure this is happening  
25 in municipalities all throughout our state. I ask you

1 what, in your opinion, effect does this particular  
2 Ordinance have on land values? Will it accelerate it  
3 or decelerate values?

4 A I don't think it would do anything to effect it,  
5 more than the natural ---

6 Q Your answer is you don't think it will effect  
7 it at all or any way.

8 A That's right.

9 Q Did you ever have any social, whether as a  
10 customer or -- call it customer, or business dealings,  
11 with Alan Dean?

12 A Not me.

13 Q At any time. A I never had any.

14 Q Did you ever have any business dealings with AT&T?

15 A No more than use their telephone.

16 Q That is the only dealings you had with them?

17 A Yes.

18 Q And when I say AT&T, I mean the parent company  
19 or AT&T Long Lines Division.

20 A No, no.

21 Q Did either of those companies or any representatives  
22 of theirs approach you, at any time, with regard to  
23 either the application of AT&T to rezone or the adoption  
24 of the new Ordinance?

25 A No. The only thing that I would have from either

1 one of the companies would be the mere transfer of maps  
2 that have come from the attorney's office, he leaves  
3 them at my house and I say, "Hello," and he's gone,  
4 that's all. It's the same way with Alan Dean, as far  
5 as their contacting me, it's not through the Planning  
6 Board, it's through some other connection, either Board  
7 of Health or, most of it has been Board of Health, really.

8 Q And you as the assessor for Bedminster Township,  
9 have you in the last two years, let's say, in '72, 1973,  
10 increased or decreased the assessments on the properties  
11 of either Alan Dean or AT&T Long Lines?

12 A You -- the answer is no.

13 Q Or before 1972, did you have occasion to either  
14 increase or decrease assessments on any of those properties?

15 A Before 1972 we had a re-evaluation, increased  
16 all properties.

17 Q And was the increase in assessment, then, on  
18 those properties, relative to the increases in other  
19 properties in the township?

20 A That's correct.

21 Q Were there any requests by AT&T or Alan Dean  
22 after that re-evaluation to reduce the assessments  
23 on the properties?

24 A Not as tax appeals.

25 Q Well, when you say not as taxpayers --

A I mean tax appeals.

1 Q Tax appeals. Did they in any other way?

2 A Change of use did not occur -- wait a minute.

3 Let me rephrase that. Under the Farmland Assessment

4 Act, the land devoted to farmland still has to be used --

5 I mean treated as farmland.

6 AT&T has nothing in the farmland category,

7 Alan Dean has some acreage in the farmland category,

8 which is farm.

9 Q And did you make any alterations or changes in  
10 the assessments?

11 A The alterations are made --

12 Q Applying that to either one of them?

13 A Oh, yes. You make the changes -- the changes  
14 are statutory changes, when you assess under the Farmland  
15 Assessment Act of 1964.

16 Q Yes. This is subsequent to the re-evaluation  
17 that you spoke of?

18 A The re-evaluation doesn't mean anything. You  
19 do it on the basis of production of the land.

20 Q It was done subsequent to that, however.

21 A Not necessarily. It could have been done before  
22 the re-evaluation.

23 The land was used for farm. There's no change  
24 in it, as long as it's being farmed.

25 Q In your opinion, your judgment, does the adoption

1 of this new Zoning Ordinance make it possible for  
2 research offices and housing developers to come into  
3 Bedminster?

4 A I don't see where it does anything.

5 Q You don't think it has any effect on that?

6 A I don't think so.

7 Q In your opinion, does this new Zoning Ordinance  
8 permit light industry to locate in Bedminster Township?

9 A No, it does not.

10 Q In your opinion, does the adoption of this  
11 Zoning Ordinance make any particular changes in the land  
12 use in Bedminster Township?

13 A You still referring to the type of --

14 Q The type of use.

15 A Well, no. The uses remain about the same as  
16 they have been in the old Ordinance, as far as RO, and  
17 there isn't anything else.

18 Q As assessor here and a resident of the township,  
19 did you, if you had any knowledge thereof from anyone,  
20 know whether the residents of this township wanted to  
21 keep this township as rural or whether they wanted it  
22 to grow to an urban community?

23 A Well, I think that's pretty evident, they wanted  
24 to keep it rural.

25 Q I may have asked you this. Is it your opinion

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that this Ordinance will alter the character of the township from rural to urban?

A I don't think so.

Q Other than your employment by the County of Somerset and on the boards that you mentioned in Bedminster, in the last ten years have you been employed anywhere else?

A Prior to going to the county, I was employed at L.V. Ludlow, which was about seven or eight years ago.

MR. STRONG: That's all I have.

MR. ENGLISH: I have no questions.

(Whereupon, deposition adjourned.)