

RULS - AD - 1984 - 510

11/1/84

Memorandum to all counsel in Bedminster Case
- Evidence request

pg. 4



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C. N. 2191
TOMS RIVER, N. J. 08753

November 1, 1984

MEMORANDUM
TO
ALL COUNSEL IN BEDMINISTER CASE

This will confirm the results of the pretrial conference held on October 31, 1984. The conference was called for the purpose of preparing for trial which is to commence on November 5, 1984. The two issues to be tried are compliance and the right of Dobbs to a builder's remedy.

With respect to compliance, the burden of proof is on the Township. Its witnesses shall be in the order listed:

1. George Raymond
2. Richard Coppola
3. Alan Mallach
4. A representative of the Planning Board
5. John Kerwin

Dobbs shall present the following witnesses concerning compliance:

1. John Wallace
2. John Hordon
3. Leonard Dobbs
4. a witness to be named concerning section 202 housing.

Both sides reserve the right to present rebuttal witnesses.

Upon completion of the compliance aspect of the trial, we will commence the builder's remedy aspect unless the Court otherwise directs. Before hearing proofs, the Court will entertain a motion from the Township to dismiss the claim for builder's remedy as a matter of law. In the event that the motion is denied, Dobbs shall proceed with its proofs as to its entitlement to a remedy and its witnesses shall be Messrs. Wallace, Hordon and Dobbs, as listed above, and possibly a representative of the Green Acres program. The defendant Township shall offer the testimony of Mr. Coppola, a representative of the planning Board, a custodial of records of the Township and Ms. O'Brien.

RUIS - AD - 1984 - 510

It was agreed that the following may be marked in evidence without additional proofs:

1. All expert reports submitted by any party except for the report of Kupper Associates dated October, 1984.
2. Compliance agreement dated October 29, 1984 with attachments.
3. The site identification map and zoning map prepared by Mr. Coppola.

Each party is to prepare a letter setting forth each report relied upon by the party so that the Court may verify that it is in possession of those reports and pre-mark them in evidence. Each party shall also enclose in that letter, a description of any exhibits to be relied upon by any expert witness so that such exhibits can be marked in evidence without further proofs, if agreed upon.

The trial shall continue for everyday that the Court is in session, until completion, including Fridays. The Court will not be in session on the following dates:

Tuesday, November 6,
Monday, November 12,
Thursday, November 15,
The entire week commencing November 19, and
Tuesday, November 27

Trial shall start at 9:30 of each day that the Court is in session.



State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
DIVISION OF PUBLIC INTEREST ADVOCACY

CN 850
TRENTON, NEW JERSEY 08625

JOSEPH H. RODRIGUEZ
PUBLIC ADVOCATE

RICHARD E. SHAPIRO
DIRECTOR
TEL: 609-292-1693

November 1, 1984

Honorable Eugene D. Serpentelli
Court Huse
CN 2191
Toms River, N.J. 08754

Re: Allan Deane Corporation & Ceiswick, et al.
vs. Township of Bedminster, et al.
and
Ceiswick, et al v. Township of Bedminster
Docket Nos. L-36896-70 P.W., L-28061-71 P.W.

Dear Judge Serpentelli:

We request that the following materials be introduced into evidence:

- ✓ 1. Mallach ^{APPD} Report, August 28, 1984
- ~~2. Callahan Report, September 26, 1984~~
- ✓ 3. Chalofsky Letter, October 16, 1984, re sewer expansion (*Dept. of Env. Protection*)
- ~~4. Meiser Letter to Bedminster, September 27, 1983
Re: Rezoning - *PPA-2 ident*~~
- ~~5. Meiser Letter to Raymond, December 19, 1983
Re: Compliance~~
- ~~6. Meiser Letter to Raymond, January 24, 1984
Re: Compliance~~
- ~~7. Coppola Letter, May 13, 1983
Re: Settlement~~
- ~~8. Coppola Letter, July 26, 1983
Re: Settlement~~
- ~~9. Raymond Letter, May 2, 1983
Re: Settlement~~

Honorable Eugene D. Serpentelli
Page - 2 -
November 1, 1984

~~10.~~ Fergueson Letter, November 28, 1983
Re: M.F.A.

11 *Proof of Publication*

Respectfully,

KENNETH E. MEISER
Deputy Director

KEM/cat
Attachments

MCCARTER & ENGLISH

ATTORNEYS AT LAW

550 BROAD STREET

NEWARK, N.J.

07102

(201) 622-4444

DOMESTIC TELEX 642929

INTERNATIONAL TRT 178016

TELECOPIER (201) 622-0012

CABLE "MCCARTER" NEWARK

THE COMMERCE CENTER

1810 CHAPEL AVENUE WEST

CHERRY HILL, NEW JERSEY 08002

(609) 662-8444

TELECOPIER (609) 662-6203

ONE WORLD TRADE CENTER

SUITE 2665

NEW YORK, NEW YORK 10048

(212) 466-9018

150 E. PALMETTO PARK ROAD

SUITE 505

BOCA RATON, FLORIDA 33432

(305) 368-6500

FRANCIS E. P. McCARTER
ARTHUR C. HENSLEY, JR.
EUGENE M. MARING
JULIUS B. POPPINGA
GEORGE C. WITTE, JR.
STEVEN B. HOSKINS
RODNEY N. HOUGHTON
THOMAS F. DALY
ALFRED L. FERGUSON
CHARLES R. MERRILL
ANDREW T. BERRY
JOSEPH E. IRENAS
JOHN L. MCGOLDRICK
RICHARD C. COOPER
PETER C. ASLANIDES
RICHARD W. HILL
WILLIAM H. HORTON
JAMES F. HAMMILL
FREDERICK B. LEHLBACH
RICHARD M. EITREIM
JOHN E. FLAHERTY
STEVEN G. SIEGEL
WILLIAM T. REILLY
HAYDEN SMITH, JR.
JOHN B. BRESCHER, JR.
TODD M. POLAND
JOHN J. SCALLY, JR.
GEORGE W. C. McCARTER
DANIEL L. RABINOWITZ
THOMAS V. SICILIANO

WOODRUFF J. ENGLISH
NICHOLAS CONOVER ENGLISH
JAMES R. E. OZIAS
WARD J. HERBERT
OF COUNSEL

JOHN R. DROSDICK
ROSALYN S. HARRISON
GITA F. ROTHSCHILD
RONALD J. HEDGES
DAVID R. KOTT
LOIS M. VAN DEUSEN
MICHAEL A. GUARIGLIA
LANNY S. KURZWEIL
DAVID A. LUDGIN
SARA B. GOODMAN
JOHN F. BRENNER
JOSEPH FALGIANI
JOSEPH E. BOURY
FRANK E. FERRUGGIA
RUSSELL M. FINESTEIN
JAMES A. KOSCH
KEITH E. LYNOTT
MICHAEL A. TANENBAUM
CHARLES J. BENJAMIN
ROSALIE BURROWS
RICHARD P. O'LEARY
WILLIAM M. RUSSELL
BETH YINGLING
GARY T. HALL
THEODORE D. MOSKOWITZ
SCOTT A. KOBLER
DALE A. DIAMOND
PETER J. LYNCH
DEBORAH H. SIMON
ANNE W. CRAWFORD*
JOHN L. FEAREY*
STEVEN PONTELL
JOHN M. VAN DEVENTER
JOELLE HALPERIN ROSEN
JAMES J. TYNE
JEFFREY S. COHEN
PATTI E. RUSSELL
JOHN D. DRAIKIWICZ
STEPHEN M. VAJTAY
JOHN T. KINSEY*
THERESE M. KEELEY
JEFFREY H. AMINOFF*
RICHARD D. MARTINSON
JERRY P. SATTIN
*NEW YORK BAR ONLY
*FLORIDA BAR ONLY

November 2, 1984

Re: Bedminster ads Allan-Deane

The Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

My dear Judge Serpentelli:

In accordance with your request, the following is a list of reports and documents which we anticipate being marked in evidence:

- (1) Bedminster Master Plan Program, Part III, Housing Element (August, 1983).
- (2) Proposed Zoning Ordinance Amendments, introduced September 8, 1983.
- (3) Planning Report of Richard T. Coppola (December 19, 1983).
- J* (4) Report of George Raymond (January 10, 1984).
- J* (5) Report of Richard T. Coppola (March 21, 1984).
- (6) Compliance Report of George Raymond (April 11, 1984).
- J* (7) Report of Richard T. Coppola, including compliance package zoning amendments (June 1984).

- (8) Memorandum of Richard T. Coppola, with respect to minor modifications to compliance zoning amendments (July 12, 1984).
- ✓ (9) Letter report of George Raymond (July 26, 1984).
- (10) Planning report of Richard T. Coppola, including compliance package zoning amendments (September 5, 1984).
- (11) Letter and report of George Raymond (September 14, 1984).
- (12) Report of Kupper Associates (October 8, 1984).
- (13) EDC-Bedminster Township Agreement, including cover letter explaining same (October, 1984).
- (14) Report of Neil Callahan, Environmental Disposal Corp. (September 11, 1984).

Sincerely,


Alfred L. Ferguson

ALF/nw
Enclosures
cc: All Counsel