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8-20-81

Answer by Twp. Sewerage Auth.
- w/ proof of mailing

Ass. 4

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SOMERSET COUNTY
L. R. OLSON, CLERK

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Indexed

J. ALBERT MASTRO
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BERNARDSVILLE, N. J. 07924
(201) 766-2720
ATTORNEY FOR Defendant,
Warren Township Sewerage Authority

Plaintiff
TIMBER PROPERTIES, a Corporation of the
State of New Jersey,

vs.

Defendant
THE TOWNSHIP OF WARREN, a Municipal
Corporation of the State of New Jersey,
THE PLANNING BOARD OF THE TOWNSHIP OF
WARREN, and THE WARREN TOWNSHIP SEWERAGE
AUTHORITY.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

Docket No. L-67820-80
P.W.

CIVIL ACTION

ANSWER

ANSWER
WTSA

Defendant, Warren Township Sewerage Authority, a public
body politic of the State of New Jersey, having its principal
office at 46 Mountain Blvd. in the Township of Warren, Somerset
County, New Jersey, by way of answer says:

ANSWER

FIRST COUNT THROUGH SEVENTH COUNT

1. None of the allegations of the First Count through
the Seventh Count of the Complaint are directed to defendant,

Warren Township Sewerage Authority and accordingly said defendant makes no response thereto.

ANSWER TO EIGHTH COUNT

1. This defendant repeats its answer to the allegations of the First through Seventh Counts and incorporates them in this Count.

2. The allegations of paragraph 2 are admitted.

3. Defendant admits those portions of paragraph 3 alleging that this defendant undertook planning for the expansion of Stage I, II and V sewerage treatment plants but denies that said planning took place in 1979.

4. Defendant admits the allegations of paragraph 4 provided the reference to "necessary approvals" means local, state and federal approvals.

5. The allegations of paragraphs 5 and 6 are admitted.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7.

7. This defendant denies the allegations of paragraph 8.

8. This defendant admits those portions of the allegations of paragraph 9 indicating that an initial capacity for

Stage V at 450,000 gallons/day was considered and denies the balance of the allegations of said paragraph.

9. This defendant denies the allegations of paragraphs 10 and 11.

FIRST SEPARATE DEFENSE

At the time plaintiff allegedly requested additional sewage capacity in the Stage V treatment plant, this defendant had completed planning of said facility in conformity with applicable state and federal standards and proceeded to implement said plans toward construction of a treatment plant having a capacity of 380,000 gallons per day. In addition, at the time of plaintiff's filing its complaint, this defendant had entered into contracts with participants for construction of Stage V treatment plant having a capacity of 380,000 gallons per day. Construction of said project is currently advertised for bid and receipt of bids is scheduled for September 10, 1981. In view of the above, plaintiff is barred from seeking relief from this defendant as alleged in its complaint because of laches, waiver and estoppel.

SECOND SEPARATE DEFENSE

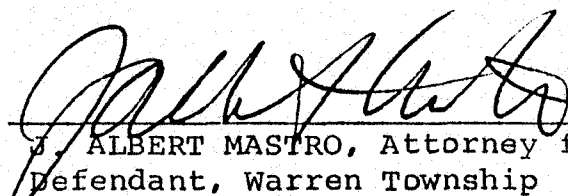
Capacity for the Stage V sewage treatment plant was designed in accordance with the 208 Water Quality Management Plan and the Upper Passaic Environmental Impact Statement adopted in accordance with the Federal Water Pollution Control Act as amended

by the Federal Water Pollution Control Act Amendments of 1972, as amended and supplemented. Plaintiff's request for additional capacity would exceed permissible population projections for the drainage basin in question.

THIRD SEPARATE DEFENSE

Defendant, Township of Warren, entered into a Service Agreement with defendant, Warren Township Sewerage Authority, on May 7, 1981. Said Service Agreement was authorized by Ordinance No. 81-6 adopted by defendant Township of Warren on May 7, 1981. Notice of adoption of Ordinance 81-6 was published in the Echoes-Sentinel, a newspaper printed and published in the Township of Warren on May 14, 1981. Plaintiff's complaint alleging illegality or improprieties in said Service Agreement was not brought within the time period permitted by Rule 4:69-6 and accordingly relief from any of the provisions of said Agreement is thereby barred.

I hereby certify that the within pleading was served within the time period provided by Rule 4:6.


J. ALBERT MASTRO, Attorney for
Defendant, Warren Township
Sewerage Authority

Dated: August 19, 1981

Attorney(s): J. Albert Mastro, Esq.

Office Address & Tel. No.: 7 Morristown Road, Bernardsville, NJ 07924

(201) 766-2720

Attorney(s) for Defendant, Warren Township Sewerage Authority

TIMBER PROPERTIES, a Corporation of the State of New Jersey, Plaintiff(s)

vs.

THE TOWNSHIP OF WARREN, a Municipal Corporation of the State of New Jersey, THE PLANNING BOARD OF THE TOWNSHIP OF WARREN, and WARREN TOWNSHIP SEWERAGE AUTHORITY, Defendant(s)

SUPERIOR COURT OF NEW JERSEY LAW DIVISION SOMERSET COUNTY

Docket No. L-67820-80 P.W.

CIVIL ACTION

A copy of the within Notice of Motion has been filed with the Clerk of the County of

at

New Jersey

Attorney(s) for

The original of the within Notice of Motion has been filed with the Clerk of the Superior Court in Trenton, New Jersey.

Attorney(s) for

Service of the within

is hereby acknowledged this day of 19

Attorney(s) for

I hereby certify that a copy of the within Answer was served within the time prescribed by Rule 4:6.

J. Albert Mastro, Esq. Attorney(s) for defendant, Warren Township Sewerage Authority

PROOF OF MAILING: On August 19, 1981, I, the undersigned, mailed to Raymond R. & Ann W. Trombadore, attorneys for plaintiff, at 33 East High Street, Somerville, NJ 08876; John E. Coley, Esq., attorney for defendant Township of Warren, at 15 Mountain Blvd., Warren, NJ 07060; Eugene Jacobs, Esq., attorney for Planning Board of Warren Township at 381 North Ave. Dunellen, NJ 08812; by regular mail, the following:

ANSWER OF DEFENDANT, WARREN TOWNSHIP SEWERAGE AUTHORITY.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: August 19 1981

J. Albert Mastro, Esq.