

AMG

5-8-89

Letter joining AMG by Timber

Ass. 2
Pi # 3347

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May 8, 1984

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MAY 1 1984
JUDGE SERPENTELLI'S CHAMBERS

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

Re: AMG Realty Company v. Warren Township

Dear Judge Serpentelli:

On behalf of Timber Properties, I join in the pleadings filed by Joseph E. Murray on behalf of AMG Realty Company and Skytop seeking restraints against the Warren Township Sewerage Authority. Timber Properties has filed an affirmative claim against the Warren Township Sewerage Authority. It is the position of Timber Properties, based upon the evidence presented at trial, that the Sewerage Authority has breached its obligations to provide adequate sewer facilities to the plaintiffs in these matters. It is also the position of Timber Properties, as asserted in the complaint, that the policies under which the Sewerage Authority allocates gallonage and the use of treatment facilities is arbitrary, capricious and illegal. Each of these issues is presently before the Court, and the parties are awaiting the decision of the Court. It would be highly improper, pending the receipt of that decision, to permit the Sewerage Authority to undertake an action which could seriously undercut any relief granted by the Court. Permitting the Authority to proceed with a limited expansion based upon prior practices would cause irreparable harm to the plaintiffs in this matter. While Timber Properties does not seek any allocation of gallonage from the Stage IV plant, it does seek gallonage which is presently available in the Stage V plant. The specific demand of Timber Properties is that the Authority find the methods by which that gallonage shall be provided. Before the Authority is permitted to embark on limited expansion plans, it should have the benefit of the Court's decision with respect to its overall obligations to provide facilities for any development which might result from the decision of the Court in these consolidated cases. Beyond that, if the Court finds that Warren Township's present zoning is unconstitutional, as I submit it must, then the Sewerage Authority together with the Township must undertake comprehensive plan-

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ning to determine in what fashion it will provide treatment facilities for the housing which the Township of Warren must provide to meet its fair share obligation under Mount Laurel II. Until that is achieved, undertaking any limited sewer expansion plant at this point in time is not only ill-conceived but could be viewed as a contempt for the power of the Court to grant a remedy in these matters. It is therefore, respectfully urged that the Court enjoin the Sewerage Authority from proceeding with its proposed limited expansion and that said injunction be maintained in full force pending a determination of all of the issues in this case.

Respectfully submitted,



Raymond B. Trombadore

RRT/mmp

cc: Joseph E. Murray, Esq.
J. Albert Mastro, Esq.
Eugene W. Jacobs, Esq.
Robert H. Kraus, Esq.
John T. Lynch, Esq.
John E. Coley, Esq.