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February 1, 2022

The Honorable Thomas C. Miller
Assignment Judge of the Superior Court
Superior Court, Somerset County
20 N. Bridge Street, 3rd Floor
Somerville, NJ 08876

Re: Kormandy v. Town of Phillipsburg Town Council
WRN-L-000248-21

Dear Judge Miller:

This firm represents the plaintiffs in this action in lieu of prerogative writs. I write to bring recent developments to Your Honor's attention and to request an early case management conference.

This action challenges Ordinance 2021-14 of the Town of Phillipsburg, which amended the redevelopment plan to permit the construction of a large truck distribution warehouse on the last undeveloped riverfront property in the town. The property is owned by Peron Construction, which is turn is owned by Michael Perucci, Esq., a partner in the law firm of Florio, Perucci, Steinhardt, Cappelli, Tipton and Taylor. As you know, our complaint raises among other defects the issue of serious conflicts of interest on the part of one or more voting Council members because of prior representation by attorneys in the Florio firm. In its first case management order entered in this matter, the court allowed us to serve interrogatories directed at the conflicts issue and ordered answers to be served. To date, no answers have been served.

Subsequently, the Town Council proceeded to adopt Ordinance 2021-27, which purported to repeal Ordinance 2021-14, and purported to be free of disqualifying conflicts. At our last CMC, counsel for the Town argued that the re-vote rendered the challenge to Ordinance 2021-14 moot. The court deferred ordering answers to the interrogatories and announced it would schedule another CMC in "early" January.

The Mayor vetoed Ordinance 2021-27, and the Council did not override that veto. Accordingly, Ordinance 2021-14 is not moot and this action contains viable claims, including the claims of conflicts of interest.

Plaintiffs accordingly request an early CMC, virtual as before, and by this letter request that the Town immediately serve answers to our interrogatories.

We thank you for the court's consideration.

Respectfully submitted,

POTTER AND DICKSON

By _____/s/ Peter Dickson_____

Peter Dickson

NJ Attorney ID 001661979

Attorney for the Plaintiffs