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January 1, 2025

VIA ECOURTS FILING

The Honorable William G. Mennen, J.S.C.
Superior Court of New Jersey
Hunterdon County Justice Center
65 Park Avenue, 3rd Floor
Flemington, Ne Jersey 08822

RE: Morrisette v. Town of Phillipsburg
Docket No.: WRN-L-378-24

Dear Judge Mennen:

This office represents the Town of Phillipsburg in the above-referenced matter, which is the third case filed challenging various ordinance related to the redevelopment of 170 Howard Street, Phillipsburg. That property is owned by Peron Construction, Inc., the proposed intervenor in this matter. The Town of Phillipsburg does not object to Peron's proposed intervention,¹ and simply writes to address or clarify a few points raised in the various motion papers submitted by Peron and Plaintiffs as it relates to the Town or the history of this case.

¹ While it does not appear to me that there is any disqualifying conflict for a law firm to represent a company which is wholly owned by a lawyer associated with that firm, the Town of Phillipsburg ultimately takes no position on that issue.

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January 2, 2025

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First, as a general matter, Peron seems to infer that the Town has not vigorously defended its ordinances. That allegation is not accurate and does not comply with the case history spanning now three cases, which includes successful motion practice and extensive briefing.

However, Peron's assertion that the Town does not represent its interests is correct and it is possible that positions taken by the Town throughout the course of the litigation may diverge from the positions advocated by Peron. For instance, the Town voluntarily resolved the second case, Morrisette v. Town of Phillipsburg, WRN-341-22, by entering into a consent judgment vacating the prior ordinance. That decision may or may not have been consistent with Peron's interest or a position which Peron supported.

The Town's interests include upholding its ordinances passed by the governing body, mitigating risk, limiting exposure to taxpayers, supporting land uses that will bring economic growth, jobs, and tax ratables to the Town, whether that's Peron's proposed redevelopment or something else, managing quality of life impacts on its community, responding to voters, and engaging in sound planning, just to name a few. The Town's decision-making in this case, as for all the prior cases, will continue to be made based upon the direction provided by the Governing Body and its Municipal Attorney to best represent the many different interests of the entire community consistent with the law and public policy decisions of the elected officials. Those interests may or may not align with Peron's now or in the future.

The Town does not object to Peron's participation in this matter as an intervenor.

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Attorneys for Town of Phillipsburg

s/Matthew C. Moench, Esq.
MATTHEW C. MOENCH

cc: All counsel of Record