

FILED

JUN - 6 2010

**B. THEODORE DOZONAS, A.J.S.C.
JUDGE CHAMBERS
MORRIS COUNTY COURTHOUSE**

SCHENCK, PRICE, SMITH & KING, LLP
10 Washington Street, P.O. Box 905
Morristown, NJ 07963-0905
(973) 539-1000
Attorneys for Plaintiff

FRIENDS OF LAKE NEEPAULIN,

Plaintiff,

v.

TOWNSHIP OF WANTAGE, MAYOR AND
COMMITTEE OF TOWNSHIP OF
WANTAGE, TAX ASSESSOR OF
TOWNSHIP OF WANTAGE, TAX
COLLECTOR OF TOWNSHIP OF
WANTAGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: *Superior* MORRIS COUNTY
DOCKET NO. SSX-L-616-09

Civil Action

JUDGMENT

THIS MATTER being open to the Court on May 14, 2010 by Edward J. Trawinski, Esq., of the firm of Schenck, Price, Smith & King, LLP, attorneys for plaintiff, Friends of Lake Neepaulin; and Michael S. Garofalo, Esq., of the firm of Laddey, Clark & Ryan, LLP, attorneys for defendants Township of Wantage, Mayor and Committee of Township of Wantage, Tax Assessor of the Township of Wantage and the Tax Collector of the Township of Wantage, on plaintiff's Complaint in Lieu of Prerogative Writs seeking an Order (1) nullifying the action by the Wantage Township Mayor and Council in adopting Ordinance No. 2009-16 which purported to rescind Ordinance No. 2008-16 authorizing a

special tax assessment previously approved by the governing body, (2) compelling the defendants Tax Assessor and Tax Collector to conduct the special tax assessment necessary to repay the loan made by the State of New Jersey, Department of Environmental Protection to plaintiff for purposes of repairing its dam, (3) and for other relief; and the Court having conducted a trial based upon the record agreed upon by the parties, and having examined the trial briefs submitted on behalf of the parties and having heard the arguments of counsel, and for the reasons expressed by the Court in its oral decision which is incorporated by reference herein;

IT IS on this 8 day of June, 2010;

ORDERED that JUDGMENT be and hereby is entered in favor of the plaintiff and against the defendants as follows:

- a. Wantage Township Ordinance No. 2009-16 be and hereby is declared null and void and of no force and effect;
- b. Wantage Township Ordinance No. 2008-16 is, accordingly, in full force and effect, and defendants shall take no further action to rescind, limit or otherwise adversely affect its continuing validity;
- c. In accordance with the procedure necessary to perfect the loan made to plaintiff for its dam repair project from the State of New Jersey, Department of

Environmental Protection, defendants shall ^{when the} ~~shall~~ ^{loan funds are disbursed to plaintiff,} ~~in a~~ ^{timely manner} fully implement a special tax assessment for the repayment of the aforesaid loan pursuant to N.J.S.A. 58:4-11, et seq., N.J.S.A. 40:56-1, et seq., and N.J.A.C. 7:24A-4.1(d).


Hon. B. Theodore Bozmelis, J.S.C.

*Form of
Order settled
on review of objections*

*Statement of Reasons
supplemented to note
that it has been determined
that plaintiff pays property
taxes on the subject property*