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Our File No.: C23512

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<p>KEEP A LIBRARY IN WATCHUNG, an unincorporated association of citizens of the Borough of Watchung, and RICHARD STEINFELD,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>BOROUGH OF WATCHUNG, a municipal corporation of the State of New Jersey, COUNCIL, BOROUGH OF WATCHUNG, and ADMINISTRATOR, BOROUGH OF WATCHUNG,</p> <p style="text-align: center;">Defendants.</p>	<p>:SUPERIOR COURT OF NEW JERSEY :LAW DIVISION:SOMERSET COUNTY : :DOCKET NO.: SOM-L-000710-18 : : Civil Action : :DEFENDANTS' ANSWER AND :SEPARATE DEFENSES TO :THE COMPLAINT AND SECOND :AMENDED COMPLAINT AND :DESIGNATION OF TRIAL COUNSEL : : : : : :</p>
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Defendants, Borough of Watchung, Council, Borough of Watchung, and Administrator, Borough of Watchung (collectively "Borough"), by way of answer to the Complaint and Second Amended Complaint in Lieu of Prerogative Writs and For Declaratory and Injunctive Relief ("Complaint"), say that:

NATURE OF ACTION

1. The allegations contained in Paragraph 1 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

2. The allegations contained in Paragraph 2 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

THE PARTIES

3. The Borough admits the allegations contained in Paragraph 3 of the Complaint.

4. The Borough admits the allegations contained in Paragraph 4 of the Complaint.

5. The Borough admits the allegations contained in Paragraph 5 of the Complaint.

6. The Borough admits the allegations contained in Paragraph 6 of the Complaint.

7. The Borough admits the allegations contained in Paragraph 7 of the Complaint.

8. The Borough admits the allegations contained in Paragraph 8 of the Complaint.

9. The Borough admits the allegations contained in Paragraph 9 of the Complaint.

10. The allegations contained in Paragraph 10 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

11. The allegations contained in Paragraph 11 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

12. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint and leaves the plaintiffs to their proofs.

JURISDICTION AND VENUE

13. The allegations contained in Paragraph 13 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

14. The allegations contained in Paragraph 14 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

FACTUAL ALLEGATIONS

-PUBLIC LIBRARIES IN NEW JERSEY-

15. The allegations contained in Paragraph 15 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

16. The allegations contained in Paragraph 16 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-ASSOCIATION LIBRARIES-

17. The allegations contained in Paragraph 17 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

18. The allegations contained in Paragraph 18 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

19. The allegations contained in Paragraph 19 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

20. The allegations contained in Paragraph 20 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-COUNTY LIBRARIES-

21. The allegations contained in Paragraph 21 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

22. The allegations contained in Paragraph 22 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

23. The allegations contained in Paragraph 23 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

24. The allegations contained in Paragraph 24 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-FREE MUNICIPAL PUBLIC LIBRARIES-

25. The allegations contained in Paragraph 25 of the Complaint constitute: (a) a legal conclusion; (b) a restatement

of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

26. The allegations contained in Paragraph 26 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

27. The allegations contained in Paragraph 27 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

28. The allegations contained in Paragraph 28 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

29. The allegations contained in Paragraph 29 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

30. The allegations contained in Paragraph 30 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

31. The allegations contained in Paragraph 31 of the Complaint constitute: (a) a legal conclusion; (b) a restatement

of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-ESTABLISHMENT OF THE WATCHUNG BOROUGH PUBLIC LIBRARY-

32. The allegations contained in Paragraph 32 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

33. The allegations contained in Paragraph 33 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

34. The allegations contained in Paragraph 34 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

35. The allegations contained in Paragraph 35 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

36. The allegations contained in Paragraph 36 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

37. The allegations contained in Paragraph 37 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

38. The allegations contained in Paragraph 38 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

39. The Borough denies the allegations contained in Paragraph 39 of the Complaint.

40. The Borough denies the allegations contained in Paragraph 40 of the Complaint.

41. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint and leaves the plaintiffs to their proofs.

42. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint and leaves the plaintiffs to their proofs.

43. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint and leaves the plaintiffs to their proofs.

44. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint and leaves the plaintiffs to their proofs.

45. The Borough denies the allegations contained in Paragraph 45 of the Complaint.

46. The Borough denies the allegations contained in Paragraph 46 of the Complaint.

47. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint and leaves the plaintiffs to their proofs.

48. The Borough admits the allegations contained in Paragraph 48 of the Complaint.

49. The Borough is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint and leaves the plaintiffs to their proofs.

50. The Borough denies the allegations contained in Paragraph 50 of the Complaint.

51. The Borough denies the allegations contained in Paragraph 51 of the Complaint.

52. The Borough denies the allegations contained in Paragraph 52 of the Complaint.

53. The Borough denies the allegations contained in Paragraph 53 of the Complaint.

54. The Borough denies the allegations contained in Paragraph 54 of the Complaint.

55. The Borough denies the allegations contained in Paragraph 55 of the Complaint.

-EXECUTION OF THE BRANCH LIBRARY AGREEMENT-

56. The allegations contained in Paragraph 56 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

57. The allegations contained in Paragraph 57 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

58. The allegations contained in Paragraph 58 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

59. The allegations contained in Paragraph 59 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

60. The Borough denies the allegations contained in Paragraph 60 of the Complaint.

61. The allegations contained in Paragraph 61 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

62. The allegations contained in Paragraph 62 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

63. The allegations contained in Paragraph 63 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

64. The allegations contained in Paragraph 64 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

65. The allegations contained in Paragraph 65 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

66. The allegations contained in Paragraph 66 of the Complaint constitute: (a) a legal conclusion; (b) a restatement

of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

67. The allegations contained in Paragraph 67 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

68. The allegations contained in Paragraph 68 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

69. The allegations contained in Paragraph 69 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

70. The allegations contained in Paragraph 70 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

71. The allegations contained in Paragraph 71 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

72. The allegations contained in Paragraph 72 of the Complaint constitute: (a) a legal conclusion; (b) a restatement

of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

73. The allegations contained in Paragraph 73 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

74. The Borough denies the allegations contained in Paragraph 74 of the Complaint.

75. The allegations contained in Paragraph 75 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

76. The Borough admits the allegations contained in Paragraph 76 of the Complaint.

-ESTABLISHMENT OF THE LIBRARY ADVISORY COMMITTEE-

77. The Borough denies the allegations contained in Paragraph 77 of the Complaint.

78. The allegations contained in Paragraph 78 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

79. The Borough admits the allegations contained in Paragraph 79 of the Complaint.

80. The allegations contained in Paragraph 80 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-MEETING HELD ON APRIL 19, 2018-

81. The Borough admits the allegations contained in Paragraph 81 of the Complaint.

82. The allegations contained in Paragraph 82 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

83. The allegations contained in Paragraph 83 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

84. The allegations contained in Paragraph 84 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

85. The allegations contained in Paragraph 85 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

-EXHIBITS-

86. The Borough admits the allegations contained in Paragraph 86 of the Complaint.

87. The Borough admits the allegations contained in Paragraph 87 of the Complaint.

88. The Borough admits the allegations contained in Paragraph 88 of the Complaint.

89. The Borough admits the allegations contained in Paragraph 89 of the Complaint.

90. The Borough admits the allegations contained in Paragraph 90 of the Complaint.

91. The Borough admits the allegations contained in Paragraph 91 of the Complaint.

92. The Borough admits the allegations contained in Paragraph 92 of the Complaint.

93. The Borough admits the allegations contained in Paragraph 93 of the Complaint.

94. The Borough admits the allegations contained in Paragraph 94 of the Complaint.

95. The allegations contained in Paragraph 95 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

96. The allegations contained in Paragraph 96 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

97. The allegations contained in Paragraph 97 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

98. The allegations contained in Paragraph 98 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

99. The allegations contained in Paragraph 99 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

100. The allegations contained in Paragraph 100 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced

document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

101. The allegations contained in Paragraph 101 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

102. The allegations contained in Paragraph 102 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law; (c) a characterization of the law or referenced document or (d) inadmissible hearsay and, therefore, the Borough denies those allegations.

COUNT ONE

THE COUNCIL OF THE BOROUGH OF WATCHUNG FAILED TO PROVIDE ADEQUATE NOTICE OF THE TIME AND DATE OF THE MEETING HELD ON APRIL 19, 2018, IN VIOLATION OF THE SENATOR BYRON M. BAER OPEN PUBLIC MEETINGS ACT

103. The Borough repeats the answers to Paragraphs 1 to 102 of the Complaint.

104. The Borough admits the allegations contained in Paragraph 104 of the Complaint.

105. The Borough admits the allegations contained in Paragraph 105 of the Complaint.

106. The Borough admits the allegations contained in Paragraph 106 of the Complaint.

107. The Borough admits the allegations contained in Paragraph 107 of the Complaint.

108. The Borough admits the allegations contained in Paragraph 108 of the Complaint.

109. The allegations contained in Paragraph 109 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

110. The allegations contained in Paragraph 110 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

111. The Borough denies the allegations contained in Paragraph 111 of the Complaint.

112. The Borough denies the allegations contained in Paragraph 112 of the Complaint.

113. The Borough denies the allegations contained in Paragraph 113 of the Complaint.

114. The Borough denies the allegations contained in Paragraph 114 of the Complaint.

115. The Borough denies the allegations contained in Paragraph 115 of the Complaint.

116. The Borough denies the allegations contained in Paragraph 116 of the Complaint.

117. The Borough denies the allegations contained in Paragraph 117 of the Complaint.

118. The Borough denies the allegations contained in Paragraph 118 of the Complaint.

119. The allegations contained in Paragraph 119 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

120. The allegations contained in Paragraph 120 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

121. The Borough denies the allegations contained in Paragraph 121 of the Complaint.

122. The Borough admits the allegations contained in Paragraph 122 of the Complaint.

123. The Borough denies the allegations contained in Paragraph 123 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

COUNT TWO

**THE AGENDA FOR THE MEETING HELD ON APRIL 19, 2018,
INTENTIONALLY MISLED THE PUBLIC IN VIOLATION
OF THE SENATOR BYRON M. BAER OPEN PUBLIC MEETINGS ACT**

124. The Borough repeats the answers to Paragraphs 1 to 123 of the Complaint.

125. The Borough denies the allegations contained in Paragraph 125 of the Complaint.

126. The allegations contained in Paragraph 126 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

127. The allegations contained in Paragraph 127 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

128. The Borough denies the allegations contained in Paragraph 128 of the Complaint.

129. The Borough denies the allegations contained in Paragraph 129 of the Complaint.

130. The Borough denies the allegations contained in Paragraph 130 of the Complaint.

131. The Borough denies the allegations contained in Paragraph 131 of the Complaint.

132. The Borough denies the allegations contained in Paragraph 132 of the Complaint.

133. The allegations contained in Paragraph 1 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

134. The Borough denies the allegations contained in Paragraph 134 of the Complaint.

135. The Borough denies the allegations contained in Paragraph 135 of the Complaint.

136. The allegations contained in Paragraph 136 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

137. The allegations contained in Paragraph 137 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

138. The Borough denies the allegations contained in Paragraph 138 of the Complaint.

139. The Borough denies the allegations contained in Paragraph 139 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

COUNT THREE

THE COUNCIL OF THE BOROUGH OF WATCHUNG AND THE ADMINISTRATOR OF THE BOROUGH OF WATCHUNG PLACED UNREASONABLE RESTRAINTS ON THE PUBLIC COMMENT FOR THE MEETING HELD ON APRIL 19, 2018, IN VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT

140. The Borough repeats the answers to Paragraphs 1 to 139 of the Complaint.

141. The allegations contained in Paragraph 141 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

142. The allegations contained in Paragraph 142 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

143. The allegations contained in Paragraph 143 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

144. The allegations contained in Paragraph 144 of the Complaint constitute: (a) a legal conclusion; (b) a restatement

of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

145. The allegations contained in Paragraph 145 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

146. The allegations contained in Paragraph 146 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

147. The Borough admits the allegations contained in Paragraph 147 of the Complaint.

148. The allegations contained in Paragraph 148 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

149. The allegations contained in Paragraph 149 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

150. The Borough denies the allegations contained in Paragraph 150 of the Complaint.

151. The Borough denies the allegations contained in Paragraph 151 of the Complaint.

152. The Borough denies the allegations contained in Paragraph 152 of the Complaint.

153. The Borough denies the allegations contained in Paragraph 153 of the Complaint.

154. The Borough denies the allegations contained in Paragraph 154 of the Complaint.

155. The Borough denies the allegations contained in Paragraph 155 of the Complaint.

156. The allegations contained in Paragraph 156 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

157. The Borough denies the allegations contained in Paragraph 157 of the Complaint.

158. The Borough denies the allegations contained in Paragraph 158 of the Complaint.

159. The Borough denies the allegations contained in Paragraph 159 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

COUNT FOUR

**THE COUNCIL OF THE BOROUGH OF WATCHUNG UNLAWFULLY
DISSOLVED THE WATCHUNG BOROUGH PUBLIC LIBRARY
IN VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT**

160. The Borough repeats the answers to Paragraphs 1 to 159 of the Complaint.

161. The Borough denies the allegations contained in Paragraph 161 of the Complaint.

162. The allegations contained in Paragraph 162 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

163. The allegations contained in Paragraph 163 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

164. The allegations contained in Paragraph 164 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

165. The allegations contained in Paragraph 165 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

166. The allegations contained in Paragraph 166 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

167. The Borough denies the allegations contained in Paragraph 167 of the Complaint.

168. The Borough denies the allegations contained in Paragraph 168 of the Complaint.

169. The Borough denies the allegations contained in Paragraph 169 of the Complaint.

170. The Borough denies the allegations contained in Paragraph 170 of the Complaint.

171. The Borough denies the allegations contained in Paragraph 171 of the Complaint.

172. The allegations contained in Paragraph 172 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

173. The allegations contained in Paragraph 173 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

174. The Borough denies the allegations contained in Paragraph 174 of the Complaint.

175. The Borough denies the allegations contained in Paragraph 175 of the Complaint.

176. The Borough denies the allegations contained in Paragraph 176 of the Complaint.

177. The Borough denies the allegations contained in Paragraph 177 of the Complaint.

178. The Borough denies the allegations contained in Paragraph 178 of the Complaint.

179. The Borough denies the allegations contained in Paragraph 179 of the Complaint.

180. The Borough denies the allegations contained in Paragraph 180 of the Complaint.

181. The Borough denies the allegations contained in Paragraph 181 of the Complaint.

182. The Borough denies the allegations contained in Paragraph 182 of the Complaint.

183. The Borough denies the allegations contained in Paragraph 183 of the Complaint.

184. The Borough denies the allegations contained in Paragraph 184 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

COUNT FIVE

**THE COUNCIL OF THE BOROUGH OF WATCHUNG VIOLATED
THE BRANCH LIBRARY AGREEMENT AND THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG**

185. The Borough repeats the answers to Paragraphs 1 to 184 of the Complaint.

186. The Borough admits the allegations contained in Paragraph 186 of the Complaint.

187. The allegations contained in Paragraph 187 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

188. The allegations contained in Paragraph 188 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

189. The allegations contained in Paragraph 189 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

190. The allegations contained in Paragraph 190 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

191. The allegations contained in Paragraph 191 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

192. The allegations contained in Paragraph 192 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

193. The allegations contained in Paragraph 193 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

194. The allegations contained in Paragraph 194 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

195. The allegations contained in Paragraph 195 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

196. The Borough denies the allegations contained in Paragraph 196 of the Complaint.

197. The Borough denies the allegations contained in Paragraph 197 of the Complaint.

198. The allegations contained in Paragraph 198 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

199. The Borough denies the allegations contained in Paragraph 199 of the Complaint.

200. The allegations contained in Paragraph 200 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

201. The Borough denies the allegations contained in Paragraph 201 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

COUNT SIX

**THE COUNCIL OF THE BOROUGH OF WATCHUNG VIOLATED
NEW JERSEY'S LOCAL HOUSING AND REDEVELOPMENT LAW
BY CLOSING THE WATCHUNG BOROUGH PUBLIC LIBRARY
IN AN EFFORT TO REDEVELOP THE PROPERTY**

202. The Borough repeats the answers to Paragraphs 1 to 201 of the Complaint.

203. The allegations contained in Paragraph 203 of the Complaint constitute: (a) a legal conclusion; (b) a restatement of the law or (c) a characterization of the law or referenced document and, therefore, the Borough denies those allegations.

204. The Borough denies the allegations contained in Paragraph 204 of the Complaint.

205. The Borough denies the allegations contained in Paragraph 205 of the Complaint.

206. The Borough denies the allegations contained in Paragraph 206 of the Complaint.

207. The Borough denies the allegations contained in Paragraph 207 of the Complaint.

WHEREFORE, the Borough demands judgment against the plaintiffs dismissing the Complaint, attorneys fees and costs and such other relief as is just and equitable.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Complaint fails to state a cause of action upon which relief may be granted.

SECOND SEPARATE DEFENSE

Paragraph 38 of the Complaint admits that the Borough of Watchung does not have a free public library because the referendum required to establish a free public library did not receive a majority of the votes in favor of establishing a free public library.

THIRD SEPARATE DEFENSE

The Complaint is premature because the Borough of Watchung Council Resolution adopted on April 19, 2018 to "seek

alternative shared service agreements to provide library services" to the Borough does not constitute final action.

FOURTH SEPARATE DEFENSE

The Complaint is premature because the Council Resolution adopted on April 19, 2018 to "investigate the property and [the] surrounding properties for commercial redevelopment possibilities to benefit the residents of [the Borough of Watchung]" does not constitute final action.

FIFTH SEPARATE DEFENSE

The Complaint does not allege that the Borough's action was arbitrary, capricious or unreasonable but rather seeks to substitute the judgment of the plaintiffs for that of the Borough elected officials "not pursue renovating [the] library or the building of a new [library]".

SIXTH SEPARATE DEFENSE

The Borough Council's meeting on April 19, 2018 complied with the Open Public Meetings Act.

SEVENTH SEPARATE DEFENSE

The Borough Council could not have voted to "dissolve" a free public library which does not exist.

EIGHTH SEPARATE DEFENSE

There is no Borough free public library and no such library exists as a separate entity.

NINTH SEPARATE DEFENSE

The Borough does not have a free public library board of trustees and no such board exists as a separate entity.

TENTH SEPARATE DEFENSE

The New Jersey State Library acknowledges that the Borough does not have a free public library.

ELEVENTH SEPARATE DEFENSE

The Library Advisory Committee serves in an advisory capacity to the Borough Council.

TWELFTH SEPARATE DEFENSE

The Borough does not and has not levied a municipal library tax.

THIRTEENTH SEPARATE DEFENSE

The Borough Council has the absolute ability to control the conduct of Borough Council meetings in compliance with the Open Public Meetings Act.

FOURTEENTH SEPARATE DEFENSE

The Borough Council did not unlawfully limit any public comment at the April 19, 2018 Council meeting.

FIFTEENTH SEPARATE DEFENSE

The Borough Council's consideration of redevelopment options does not trigger the Local Housing and Redevelopment Law until the Borough Council decides to determine whether an area in need of non-condemnation redevelopment exists.

SIXTEENTH SEPARATE DEFENSE

The Complaint is barred for failure to comply with the New Jersey Tort Claims Act.

SEVENTEENTH SEPARATE DEFENSE

The Complaint is barred by the applicable statute of limitations or New Jersey Court Rule.

EIGHTEENTH SEPARATE DEFENSE

The Borough's actions, if any, were not arbitrary, capricious or unreasonable.

NINETEENTH SEPARATE DEFENSE

The Complaint is frivolous.

TWENTIETH SEPARATE DEFENSE

The Complaint is barred by the doctrine of laches.

TWENTY-FIRST SEPARATE DEFENSE

The Complaint is barred by the doctrine of waiver.

TWENTY-SECOND SEPARATE DEFENSE

The Complaint is barred by the doctrine of estoppel.

TWENTY-THIRD SEPARATE DEFENSE

The Borough's action is presumptively valid.

TWENTY-FOURTH SEPARATE DEFENSE

The Borough has not breached the Branch Library Agreement.

TWENTY-FIFTH SEPARATE DEFENSE

The Plaintiff has not ordered a transcript of the proceedings pursuant to the applicable New Jersey Court Rule.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Defendants,
Borough of Watchung,
Council, Borough of Watchung, and
Administrator, Borough of Watchung

Dated: July 5, 2018


By: 
Albert E. Cruz, Esq.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Albert E. Cruz, Esq., is hereby designated as trial counsel on behalf of Defendant.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Defendants,
Borough of Watchung,
Council, Borough of Watchung, and
Administrator, Borough of Watchung

Dated: July 5, 2018

By: 
Albert E. Cruz, Esq.


R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that, to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action or cause or any other action pending in any court or any pending arbitration proceeding and no such action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the within action at the present time. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

I further certify that this is not an appeal from any local agency decision and there are therefore no transcripts to be ordered.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Defendants,
Borough of Watchung,
Council, Borough of Watchung, and
Administrator, Borough of Watchung

Dated: July 5, 2018

By: 
Albert E. Cruz, Esq.

R. 1:38-7 CERTIFICATION

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Defendants,
Borough of Watchung,
Council, Borough of Watchung, and
Administrator, Borough of Watchung

Dated: July 5, 2018

By: 
Albert E. Cruz, Esq.