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Judge Dismisses Edison Battery Factory Lawsuit

August 8, 2012 – WEST ORANGE, NJ – West Orange Mayor Robert D. Parisi announces that the lawsuit filed against the Township which challenged the Town Council's adoption of a redevelopment ordinance for the Edison Battery Factory has been dismissed.

The Complaint, captioned "Kevin Malanga and E. Michael Taylor, Plaintiffs, v. The Township Council of the Township of West Orange, defendant," disputed the legality of the redevelopment project's payment-in-lieu-of-tax (PILOT) agreement, which was approved by the Town Council in March. A Superior Court judge dismissed the lawsuit, finding that there was sufficient information before the Township Council to support their decision in approving the agreement.

Mr. Malanga and another West Orange resident, John Schmidt, had previously challenged the same redevelopment project in a lawsuit filed in November 2006, which was dismissed by another Superior Court Judge in January, 2008.

Earlier this year residents challenged the Town Council's decision to issue municipal bonds to finance infrastructure improvements, structured parking and environmental remediation in the redevelopment area.

That lawsuit, which sought to force a referendum on the matter, was dismissed in June when a Superior Court judge agreed with the Township Clerk's determination that the ordinance was not subject to referendum under law.

"I welcome the court's favorable decision, which means we can now move forward with the project and leave behind these lawsuits that have unnecessarily delayed the redevelopment process and progress," Parisi said. "I look forward to seeing shovels in the ground in the coming months on this important project for our Downtown and our community."

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