



New Jersey Judiciary
 Superior Court - Appellate Division
Notice of Appeal

Type or clearly print all information. Attach additional sheets if necessary.

(1) Title in Full (As Captioned Below) In Re Ringwood Ordinance 2016-01, "Full Remediation of Superfund Sites", PAS-L-2951-16	(2) Attorney/Law Firm/Pro Se Litigant			
	Name Committee of Petitioners, Ringwood CARES - Lisa Chiang et al.			
	Street Address 376 Skyline Lake Drive			
	City Ringwood	State NJ	Zip 07456	Telephone Number (973) 580-0193

Email Address:
chianglisah@gmail.com

On Appeal from

(3) Trial Court Judge Hon. Ernest M. Caposela, A.J.S.C.	(4) Trial Court or State Agency Law Division, Passaic County	(5) Trial Court or Agency Number PAS-L-2951-16
-------------------------------------------------------------------	------------------------------------------------------------------------	----------------------------------------------------------

Notice is hereby given that **(6)** Ringwood CARES Committee of Petitioners L.Chiang et al, appeals to the Appellate Division from a **(7)** Judgment or Order entered on 09/19/2016, in the (select one)
 Civil, Criminal, or Family Part of the Superior Court Tax Court or from a
 State Agency decision entered on _____.

- (8)** If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.
 N/A
- (9)** Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) Yes No
 If not, has the order been properly certified as final pursuant to R. 4:42-2? Yes No

- For criminal, quasi-criminal and juvenile actions only:
- (10A)** Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:
- (10B)** This appeal is from a conviction post judgment motion post-conviction relief.
 If post-conviction relief, is it the 1st 2nd other _____
specify
- (10C)** Is defendant incarcerated? Yes No
 Was bail granted or the sentence or disposition stayed? Yes No
- (10D)** If in custody, name the place of confinement:

Defendant was represented below by:
 Public Defender self private counsel _____

**RECEIVED
 APPELLATE DIVISION**
 OCT 31 2016

(11) Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge	Hon. Ernest M. Caposela, A.J.S.C.	10/31/2016
Trial Court Division Manager		
Tax Court Administrator		
State Agency		
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)		

Other parties in this action:		
Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
Kaufman Semeraro & Liebman, LLP (for Borough of Ringwood)	Justin Santagata, Esq. - Fort Lee Executive Park, Two Executive Dr, Ste 530, Fort Lee, NJ 07024, 201-947-8855	10/31/2016
LeClair Ryan (for Ford Motor Company)	Joseph Lagrotteria, Esq. - 1037 Raymond Blvd, 16th Fl Newark, NJ 07102 - 973-491-3600	10/31/2016

PLEASE SEE ATTACHED FOR ADDITIONAL SERVICE

(12) Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office	Passaic County, Law Division	10/31/2016	\$275.00
Court Reporter (if applicable)	N/A		
Supervisor of Court Reporters		10/31/2016	
Clerk of the Tax Court	N/A		
State Agency	N/A		

(13) Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).

List the date(s) of the trial or hearing:

- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

(14) 10/28/16
Date

(15) [Signature]
Signature of Attorney or Pro Se Litigant

Addendum to Notice of Appeal (Additional Parties for Service, via certified mail, RRR in each case):

Passaic County Board of Elections
c/o Clerk/Administrator
401 Grand Street, Suite 123
Paterson, NJ 07505

Passaic County Clerk
401 Grand Street, #130
Paterson, New Jersey 07505

Alan C. Stephens, Esq.
R.J. Hughes Justice Complex
25 Market Street
PO Box 112
Trenton, New Jersey 08625

Appendix VII



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full (1)

In Re Ringwood Ordinance 2016-01, "Full Remediation of Superfund Sites"

Trial Court or Agency Docket Number (2)

PAS-L-2951-16

• Attach additional sheets as necessary for any information below.

(3) **Appellant's Attorney** Email Address: chianglisah@gmail.com

Plaintiff Defendant Other (Specify) Respondent [PLEASE SEE ATTACHED LIST OF PETITIONERS]

Name

Ringwood CARES, Committee of Petitioners - Lisa Chiang et al.

Client

(Pro Se)

Street Address

376 Skyline Lake Drive

City

Ringwood

State

NJ

Zip

07456

Telephone Number

(973) 580-0193

(4) **Respondent's Attorney*** Email Address: jsantagata@northjerseyattorneys.com [SEE ATTACHED - ADDTL. PARTY]

Name

Justin Santagata, Esq, Kaufman Semeraro & Liebman, LLP

Client

Borough of Ringwood

Street Address

Fort Lee Executive Park, Two Executive Dr, Ste 530

City

State

NJ

Zip

07024

Telephone Number

(201) 947-8855

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

(5) Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:

Order Granting Injunction and Summary Action, filed September 19, 2016 (decision issued September 16, 2016)

Copy attached

Court ordered Petition was facially invalid for reasons including laches, the 45-day rule and preemption, and the Passaic County Clerk was restrained from placing the Petition on the ballot for the November 2016 election.

(6) Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? Yes No

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4, 2:5-6) Yes No

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice? Yes No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h)) Yes No

(8) Give a Brief Statement of the Facts and Procedural History:

Appellant is appealing an Order Granting Injunction and Summary Action filed on September 19, 2016 in the Superior Court, Law Division, Passaic County. Appellant submitted a Faulkner Act petition to the Borough of Ringwood on July 1, 2016, which contained a proposed ordinance relating to the appropriate remedial action to be taken with respect to the Superfund Site located in the Borough of Ringwood, which contains many tons of toxic material dumped by Ford Motor Company. Petitioners sought to have the proposed ordinance placed on the ballot for a vote of the citizens of Ringwood. The Borough certified the petition, and held a public meeting therefor, but elected to file an action in the Superior Court, Law Division, in lieu of voting on the petition, and included Ford Motor Company in such action. On September 16, 2016, Judge Ernest Caposela, A.J.S.C. granted summary judgment in favor of the Borough, finding the petition invalid and ordering that the petition not be placed on the ballot for the November 2016 election, which was filed on September 19, 2016.

(9) To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:6-2(a)(6). (Appellant or cross-appellant only.):

- Questions of fact exist with respect to the questions of preemption, laches and the 45-day rule
- There are questions of fact regarding whether a valid and enforceable agreement exists between Ford and the Borough
- If the alleged agreements between Ford and the Borough are found to be valid, this should not invalidate petition or prohibit the proposed ordinance from appearing on the ballot in accordance with the Faulkner Act
- Laches and the 45-day rule are not applicable in the instant case as a means of invalidating the petition
- The proposed ordinance is able to be understood by the average voter in the Borough of Ringwood
- Nothing prohibits the proposed ordinance from having an explanatory statement added, if necessary

(10) If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? At argument 9/16/16 Yes No

2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ Yes No

3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? Yes No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry: 10/27/16

1. Is there any appeal now pending or about to be brought before this court which:

(11) (A) Arises from substantially the same case or controversy as this appeal? Yes No

(12) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes No

(13) 2. Was there any prior appeal involving this case or controversy? Yes No

(14) If the answer to either 1 or 2 above is Yes, state:
 Case Name: _____ Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

(15) State whether you think this case may benefit from a CASP conference. Yes No

Explain your answer:
 Appellant is open to participation in a CASP conference, if the Court feels it is appropriate.

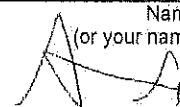
(16) Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

(17) 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).

(18) Ringwood CARES, Committee of Petitioners
 Name of Appellant or Respondent

(19) Pro Se - Lisa Chiang, representative of Appellant
 Name of Counsel of Record
 (or your name if not represented by counsel)

(20) 10/28/16
 Date

(21) 
 Signature of Counsel of Record
 (or your signature if not represented by counsel)

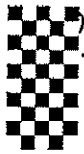
Addendum to Case Information Statement:

Additional Respondent:

Joseph Lagrotteria, Esq.
LeClair Ryan
Attorneys for Ford Motor Company
1037 Raymond Boulevard, 16th Floor
Newark, New Jersey 07102
973-491-3600
joseph.lagrotteria@leclairryan.com

Committee of Petitioners , Ringwood CARES:

Lisa Chiang, 376 Skyline Lake Drive, Ringwood, NJ 07456
Ryan Bolton, 28 Glen Road, Ringwood, NJ 07456
Robert Buhowski, 44 Bear Mountain Road, Ringwood, NJ 07456
Anne Marie Buhowski, 44 Bear Mountain Road, Ringwood, NJ 07456
John Curnyn, 38 Catherine Court, Ringwood, NJ 07456



KAUFMAN, SEMERARO, & LEIBMAN, LLP

Justin D. Santagata, Esq.

Attorney ID: 000822009

Two Executive Drive, Suite 530

Fort Lee, New Jersey 07024

T: 201-947-8855

F: 201-947-2402

E: jsantagata@northjerseyattorneys.com

Attorneys for Plaintiff Borough of Ringwood Governing Body

FILED
SEP 19 2016
SUPERIOR COURT
OF NEW JERSEY

IN RE RINGWOOD
ORDINANCE 2016-01,
"FULL REMEDIATION
OF SUPERFUND SITES"

SUPERIOR COURT OF NEW JERSEY
PASSAIC COUNTY: LAW DIVISION

CIVIL ACTION

PAS-L-2951-16

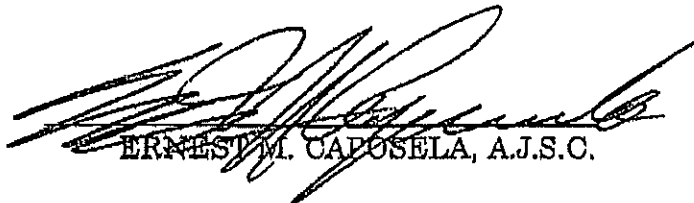
ORDER GRANTING INJUNCTION AND
SUMMARY ACTION

This order to show cause was filed by Kaufman, Semeraro, & Leibman L.L.P., attorneys for Plaintiff Borough of Ringwood Governing Body, seeking to proceed summarily pursuant to R. 4:67 and for an injunction (with no temporary restraints) to invalidate Ringwood Ordinance 2016-01, "Full Remediation of Superfund Sites," a referendum petition under the Faulkner Act ("Petition"). For the reasons set forth on the record on September 16, 2016, the Court orders as follows:

1. The Petition is invalid on its face, for the reasons explained on the record, including but not limited to laches, the 45-day rule, and preemption.
2. The Passaic County Clerk is restrained from placing the Petition on the ballot for the November 2016 election.

3. Plaintiff shall serve a copy of this order on all interested parties within three days of entry of this order. Service may be made by email with verified receipt, certified mail with return receipt, or hand-delivery.

Dated: September 19, 2016



ERNEST M. CAPOSELA, A.J.S.C.



**New Jersey Judiciary
Superior Court - Appellate Division
COURT TRANSCRIPT REQUEST**

Please type or clearly print all information.

Instructions:

1. Complete all information
2. File a separate request for each court reporter or court clerk who recorded a portion of the proceeding
3. Attach the Appellate Division or Supreme Court Clerk's copy to the Notice of Appeal (R. 2:5-1(f))
4. Attach transcript fee.

PLAINTIFF(S)

In Re Ringwood Ordinance 2016-01, "Full Remediation of Superfund Sites" - Borough of Ringwood, Ford Motor Company, and Ringwood Cares Committee of Petitioners
v.

DEFENDANT(S)

Petitioners - Lisa Chiang, Ryan Bolton, Robert Buhowski, Anne Marie Buhowski, John Curnyn

TRIAL COURT DOCKET NUMBER

PAS-L-2951-16

COUNTY / COURT

Passaic County, Law Division

REQUESTING PARTY

NAME

Lisa Chiang

EMAIL ADDRESS

chianglisah@gmail.com

PHONE NUMBER

973-580-0193

ADDRESS

376 Skyline Lake Drive

CITY

Ringwood

STATE

NJ

ZIP

07456

TO

NAME / ADDRESS (COURT REPORTER or COURT CLERK (if sound recorded))

Court Reporter, Passaic County Superior Court - Law Division
401 Grand Street, 5th Floor, Room 513
Paterson, New Jersey 07505

It is hereby requested that you prepare for use on (check one) appeal non-appeal* an original and _____ copies of the following:

DATE OF PROCEEDING

September 16, 2016

TYPE OF PROCEEDING (e.g., trial, sentencing, motion, etc.)

Summary Action and Injunction

NAME OF JUDGE

Hon. Ernest Caposela, A.J.S.C.

I agree to pay for the preparation and any copies ordered of the transcript(s) for the above date(s) pursuant to R. 2:5-3(d).

SIGNATURE OF REQUESTING PARTY

10/28/16

DATE

Transcript fees are set by New Jersey Statute 2B:7-4. An additional sum or reimbursement may be required prior to or at the completion of the transcript order.

DEPOSIT ATTACHED: \$ 275.00

* Only the Supervisor of Court Reporters should receive copies of non-appeal transcript requests.

CC:

1. CLERK, Appellate Division, or CLERK, Supreme Court (see INSTRUCTIONS above)
2. Supervisor of Court Reporters _____
3. Trial Court Transcript Office
4. Other attorneys / Pro Se parties Justin Santagata, Esq./Joseph Lagrottiera, Esq.



New Jersey Judiciary Records Request Form

Request Date

Preferred Delivery

- Pick Up
- US Mail
- On Site Inspection
- Fax
- Email

Request Needed By

Part A: Requestor Identification

Last Name Chiang (on behalf of Ringwood CARES Petitioners)		Middle Initial H	First Name Lisa
Address 376 Skyline Lake Drive		Daytime Telephone (Include area code) 973-580-0193 ext.	
City Ringwood	State NJ	Zip Code 07456	Fax/Email (optional) chianglisah@gmail.com

Part B: Records Request Processing Location

Please select one of the locations below to process your records request.

County <u>Passaic</u>	<input type="checkbox"/> Appellate Division Clerk's Office	<input type="checkbox"/> Office of the Administrative Director
Division <u>Law Division</u>	<input type="checkbox"/> Supreme Court Clerk's Office	<input type="checkbox"/> Municipal Court _____
<input type="checkbox"/> Superior Court Clerk's Office	<input type="checkbox"/> Tax Court Clerk's Office	<input type="checkbox"/> Other _____

Part C: Case Identification

Case Name In Re Ringwood Ordinance 2016-01, "Full Remediation of Superfund Sites"		Docket/Complaint/Ticket Number* PAS-L-2951-16	
*In Criminal and Municipal Cases, if you do not know the docket number, please provide Defendant's information; Defendant Name and alias(es), if any		Defendant Birth Date	Last 4 digits of Defendant's Social Security Number
Indictment/Arrest Date	Indictment/Accusation/ Complaint/Municipal Number	Appeal Number	Sentencing Date
Name of Sentencing Judge			

Part D: Records Requested by Division

Please describe records requested as completely as possible. Include any case numbers, dates and names of individuals involved. Attach additional pages if necessary.

Transcript of hearing of September 16, 2016 before Judge Ernest Caposela, A.J.S.C., which resulted in an Order Granting Injunction and Summary Action, filed September 19, 2016. Docket No. PAS-L-2951-16

Parties are: Borough of Ringwood, Ford Motor Company, and Ringwood CARES Committee of Petitioners (Lisa Chiang, Ryan Bolton, Robert Buhowski, Anne Marie Buhowski, John Curnyn)

Pursuant to our discussion with the records office, a deposit of \$275.00 is provided in connection herewith.

Part E: Copy Fees

Copy Fees: 5¢ per page letter size 7¢ per page legal size	Special Copy Requests - Additional fees will be charged <input type="checkbox"/> Seal only <input type="checkbox"/> Certified with Seal	<input type="checkbox"/> Certified without Seal <input checked="" type="checkbox"/> Exemplified (includes Seal)	Are you a named party or attorney in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

For Judiciary Use Only

Disposition <input type="checkbox"/> Delivered <input type="checkbox"/> Denied <input type="checkbox"/> Unavailable	Disposition Date
------------------------------------------------------------------------------------------------------------------------	------------------

If request is denied or records are unavailable, explain here. Attach additional pages if necessary.