

~~XXXXXXXXXX~~

1985

V.L. v. Carlet, Old Bridge
- Proposed Case Management Order
Att: Cover letter to judge -

Pgs. 7

CA0000950

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

CA0000950

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

November 26, 1985

Honorable Eugene D. Serpentelli
Assignment Judge
Ocean County Superior Court
Court House - CN-2191
Toms River, N.J. 08754

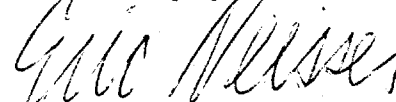
RE: Urban League v. Carteret
No.C 4122-73 (Old Bridge)

Dear Judge Serpentelli,

I have now received the attached proposed Case Management Order. The dates in Paragraph 2(a) through (e) are different from those in the Order submitted to you by Mr. Hall on November 20, to which I had consented in my letter to you of November 21. By making the deadline for distribution of a compliance plan, comments thereon, and adoption by the Council the same -- namely December 2, the proposed Order submitted by Mr. Convery renders input impossible and thus the likelihood of settlement slim. Moreover, the deletion in 2(f) of the public hearing on the proposed compliance package significantly undercuts the purpose of the entire procedure agreed to by all, including Mr. Convery, on October 22.

However, we recognize that the importance of giving the Township Council one last opportunity to propose a compliance package outweighs these considerations. Moreover, the Township, through its attorney's signature, has consented again to Paragraph 4, which sets December 6 as the date for hearing of plaintiffs' July 25 motion for a Court-ordered remedy, absent a prior settlement. Because this Order both assures the Township of one last chance to adopt a compliance plan and the plaintiffs an opportunity to have its five-month old motion for remedy heard, should settlement prove impossible, we believe it is fair and in the interests of all concerned. I have accordingly signed the consent page and urge your Honor to enter the Order on Monday, December 2.

Sincerely yours,



Eric Neisser
Urban League Co-Counsel

cc: Old Bridge Service List
Carla Lerman

BRENER, WALLACK & HILL
2-4 Chambers Street
Princeton, New Jersey 08540
(609) 924-0808
Attorneys for Plaintiff

HANNOCH WEISMAN, P.C
4 Becker Farm Road
Roseland, New Jersey
(201) 531-5300
Co-Counsel for Plaintiff

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et. al.,

Plaintiffs,

v.

THE MAYOR AND COUNCIL of the
BOROUGH OF CARTERET, et al.,

Defendants,

and

O&Y OLD BRIDGE DEVELOPMENT
CORPORATION, a Delaware
Corporation,
and

WOODHAVEN VILLAGE, INC, a
New Jersey Corporation,

Plaintiffs,

v.

THE TOWNSHIP OF OLD BRIDGE in
the COUNTY OF MIDDLESEX, a
Municipal Corporation of the
State of New Jersey, THE TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
OLD BRIDGE, THE MUNICIPAL
UTILITIES AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE, THE
SEWERAGE AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. C-4122-73

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY/
OCEAN COUNTY
(Mount Laurel II)

DOCKET NO. L-009837-84 P.W
and NO. L-036734-84P.W..

Civil Action

ORDER

This matter having been discussed at a Case Management Conference held in this Court on October 22, 1985, in the presence of plaintiffs O&Y/Old Bridge Development Company, Thomas Jay Hall and Dean A. Gaver, Esquires appearing; Woodhaven Village, Stewart Hutt and Ronald Shimanowitz, Esquires appearing; and Urban League of Greater New Brunswick, Eric Neisser and John Payne, Esquires appearing; and in the presence of the defendants Township of Old Bridge Planning Board, Thomas Norman, Esquire appearing, and the Township of Old Bridge and the Township Council of Old Bridge, Jerome J. Convery, Esquire appearing; and in the presence of the Court-Appointed Master, Carla Lerman, P.P., and the Court having heard the discussion and reviewed the materials submitted and good cause having been shown; and

WHEREAS, it has been represented to the Court by the parties and confirmed by the Master that the Township of Old Bridge (hereinafter, " Township") is working diligently to achieve a settlement of all extant issues affecting their constitutional obligation to provide lower income housing as well as all related issues, and a settlement of the legal aspects of this case is possible by the end of 1985; and

WHEREAS, it has been represented to the Court by the parties that the Township Council has reviewed, and approved in principle, the proposed settlement package submitted to it by plaintiff O&Y Old Bridge Development Corp.; subject to certain wording changes which are to be worked out between counsel for the parties, and this agreement is intended to form part of the Township's efforts to comply with the constituional obligations set forth in Mount Laurel II; and

WHEREAS, it has been represented to the Court by the parties that the Township Council has begun the process of preparing other components of a compliance package, which shall be completed in the near future.

NOW, THEREFORE, IT IS on this day of , 1985:

ORDERED,

1. The parties shall use their best efforts to resolve all outstanding matters and shall report progress to the Court-appointed Master on a regular basis.

2. The following schedule is to be followed:

December 2,
a. By ~~November 15~~ 1985, counsel for the Township shall prepare a comprehensive settlement of all remaining issues affecting the case, including all proposals to construct lower income housing, modify rent-control ordinances, and rehabilitate existing sub-standard housing, and embody the settlement in draft resolutions and ordinances, suitable for passage by the Old Bridge Township Council. Copies of this proposed comprehensive settlement package will be sent to all counsel of record in this case as well as to the Court-appointed Master.

December 2,
b. By ~~November 15~~ 1985, counsel for the Township and counsel for O&Y Old Bridge Development Corp. and counsel for Woodhaven Village, Inc. will complete discussions as to language within the settlement agreement and the attached appendices.

December 2,
c. By ~~November 16~~ 1985, a final draft agreement embodying all appendices and resolving all outstanding matters affecting O&Y Old Bridge Development Corp. will be prepared and submitted to the Township Council and all other parties in this litigation by O&Y Old Bridge Development Corp.

December 2,
d. By ~~November 16~~ 1985, a final draft agreement embodying all appendices and resolving all outstanding matters affecting Woodhaven Village, Inc. will be prepared and submitted to the Township Council and all other parties in this litigation by Woodhaven Village, Inc.

December 2,

e. By ~~November 22~~ December 22, 1985, any comments from parties with respect to the proposed compliance package shall be submitted, in writing, to Mr. Convery for potential inclusion in the proposed compliance package. Copies of comments sent to Mr. Convery shall be simultaneously served on all counsel of record and the Court-appointed Master in this case.

f. On December 2, 1985, the Township Council shall introduce ~~the~~ Ordinance for first reading, ~~and shall hold a public hearing on the proposed~~ and shall adopt ~~by Resolution~~ a compliance package.

g. The Township shall publish the text of the ~~resolutions and any~~ proposed Ordinances comprising the compliance package as soon as practicable following ~~the public hearing of~~ December 2, and the Township Council shall schedule the second reading ~~and public hearing~~ on the proposed Ordinance or Ordinances in the compliance package no later than December 16th.

h. Following final passage of all resolutions and Ordinances, any party may petition the Court to schedule a compliance hearing.

i. Beginning in January, 1986, ~~the~~ Planning Board of the Township of Old Bridge shall hold public hearings on "Plate A", which embodies the proposed development plan for O&Y Old Bridge, and on "Plate B", which embodies the proposed development plan for Woodhaven Village, Inc.

j. The Planning Board shall schedule public hearings on these Plates in order to provide an opportunity for public comment on the Plans. It is anticipated that two meetings per month will be available for these hearings.

k. The Planning Board shall complete its hearings and shall forward its recommendations and decisions with respect to Plates A and B in a report to the Court no later than March 14, 1986; provided, however, that the Planning Board may petition the Court for an extension of time;

l. Thereafter, any party may petition this Court to enter an Order incorporating Plates A and B in the settlement agreement with such modifications, if any, as the Court may require.

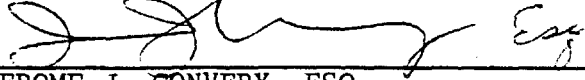
3. The Old Bridge Township Planning Board and the Old Bridge Township Board of Adjustment, through their respective attorneys, shall supply the parties and the Master with copies of the minutes of all meetings wherein development applications were heard in the months of July, August, September and October, ^{November} 1985, and shall supply the parties with agendas for all meetings scheduled from the date of this Order until the compliance hearing is held.

4. The return date of the Urban League plaintiffs' Motion for a Court-Ordered Remedy, filed July 25, 1985, which had previously been adjourned by the Court from August 9, 1985 to October 22, 1985, is hereby further adjourned to Friday, December 6, 1985. The motion shall be heard on that date if the Township Council fails to ~~introduce~~ ^{introduce} a compliance package by Monday, December 2, 1985, or if the Council approves a package which the Urban League plaintiffs cannot accept as a settlement.

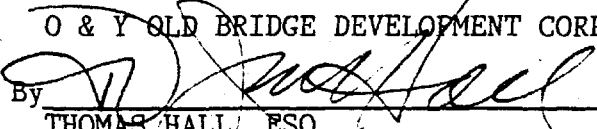
Eugene D. Serpentelli, A.J.S.C.

I hereby consent to the form and entry of the above Order.

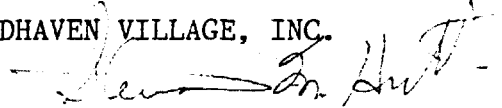
TOWNSHIP OF OLD BRIDGE

By 
JEROME J. CONVERY, ESQ.

O & Y OLD BRIDGE DEVELOPMENT CORPORATION

By 
THOMAS HALL, ESQ.

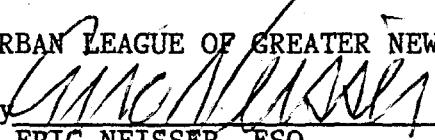
WOODHAVEN VILLAGE, INC.

By 
STEWART HUTT, ESQ.

PLANNING BOARD OF THE TOWNSHIP OF OLD BRIDGE

By _____
THOMAS NORMAN, ESQ.

URBAN LEAGUE OF GREATER NEW BRUNSWICK

By 
ERIC NEISSER, ESQ.