

G+Y / Old Bridge

Letter concerning lack of progress
in the case

(1987)

2 pgs

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April 16, 1987

FILE NO.

*MEMBER OF PA BAR

Thomas Norman, Esquire
Norman and Kingsbury
Jackson Commons, A-2
30 Jackson Road
Medford, New Jersey 08055

Re: O&Y / Old Bridge Township

Dear Tom:

A series of recent events (or non-events) prompt this letter. The lack of progress in this case is becoming serious, and I believe we must address three major issues as soon as possible.

1: Carla Lerman's position as Master:

On April 13th, you and I have a telephone conversation in which you related concern expressed by members of the Township with respect to a potential conflict of interest on the part of the court appointed master, Carla L. Lerman. You indicated that it may be necessary to raise this matter formally, and that it would be inappropriate to schedule any meetings until the matter were resolved. Today, I received a letter from Ms. Lerman outlining the extent of the alleged conflict of interest. In my judgment, this letter reveals no problem which would rise to the level of a real concern, and I ask you to immediately discuss the contents of Ms. Lerman's letter with your board, and for Mr. Convery to explore it with the Township Council.

Let me express, in the strongest possible terms, my confidence in Ms. Lerman's ability and objectivity. Without denigrating the work which any of us put into this project, it is my view that Ms. Lerman was instrumental in getting all sides to put aside narrower concerns and work out a settlement; and to discard as Master this person who has worked as hard, who has developed the knowledge of the specific facts of the case, and who has earned the respect of the parties on the strength of what appears to be an innocent commercial transaction would be, in my opinion, flat wrong. Let me also note that there is no conflict involving O&Y and we would strongly object to the delay which

Mr. Thomas Norman

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would be necessitated by the requirement to bring someone else on board and bring them up to speed on the issues.

If the Township has any objections to Ms. Lerman's participation, I believe that they should state them, in writing, by April 24th. If the Township wishes to schedule a Motion before the judge, we would be ready to appear before the court on short notice; and further, if the Township finds it cannot act quickly on this, we would be prepared to move for a declaratory statement as to the absence of a conflict of interest in this matter.

2. Further Fact-finding in this case:

There have been a variety of proposals floated by parties in this case--including yourself, myself and Mr. Convery--as to the wisdom of having a meeting to review the factual basis of this matter and to remove, so far as possible, any factual problems with this case. Judge Serpentelli has now indicated that he has requested a report from the planning master; and your letter indicating that Mr. Hintz's report would be produced sometime in early May apparently was written at the same time Judge Serpentelli sent his letter. I would propose that we both submit our planner's reports to Ms. Lerman (assuming that there is a resolution of the issue raised concerning Ms. Lerman's continuing participation in this case) by the end of this month, and seek to have Ms. Lerman set a date when her reports would be completed.

3. Hearing on the motions.

O&Y strongly believes that further delay in this matter benefits no one. We are anxious to have our day in court to discuss the issues which the Township has raised as to the maintenance of the settlement, and are now anxious to begin the process of public hearings on our revised development plan. I will be requesting the Court to impose some discipline on this case, and to assist the parties to complete all work and to schedule a hearing as soon as practicable.

Feel free to call me with any questions or comments.

Sincerely,


Thomas Jay Hall

cc: The Hon. Eugene D. Serpentelli, A.J.S.C
All parties on the Service List