

Old Bridge 1987

- letter to Judge re: Objections to the form of Order
 - letter to Judge
- Attch: Court Order

Pgs. 7

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15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

July 1, 1987

VIA LAWYERS SERVICE

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

RE: Urban League, et al. v. Carteret, et al. (Old Bridge)

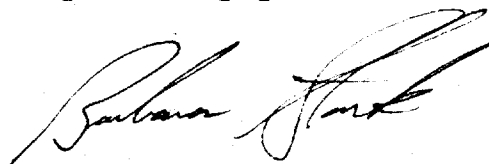
Dear Judge Serpentelli:

The Civic League plaintiffs have two objections to the form of Order submitted by Thomas Hall, Esq.

First, paragraph 1 should not provide that the public interest plaintiffs share the costs with Oakwood for the report as to the viability of the proposed Consent Judgment. The Urban League plaintiffs never agreed to share such costs, which should be paid by the builder-developer.

Second, the phrase "and supporting materials" should be deleted from the last line of paragraph 2. The Township should not be permitted to file additional evidentiary material at the reply brief stage of the proceedings.

Respectfully yours,



cc/Old Bridge Service List

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June 29, 1987

FILE NO.

FEDERAL EXPRESS

Honorable Eugene D. Serpentelli, A.J.S.C.
Superior Court of New Jersey
Ocean County Court House
1 Washington Street
Toms River, New Jersey 08753

Re: O&Y Old Bridge Development Corp. - Old Bridge Township

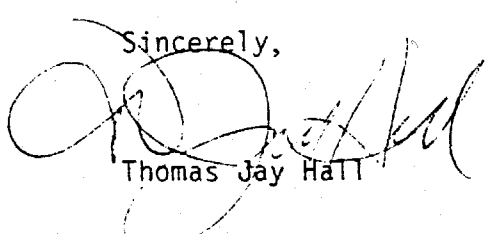
Dear Judge Serpentelli:

Pursuant to your request at the case management conference held on June 25, 1987, I am enclosing a court order which I believe will be acceptable to the parties. I am sending it to you pursuant to the 5 day rule. After you have entered the order, I will send a copy to all the parties.

I will be sending a letter to George Raymond, providing him with all material which I believe is relevant to this case, and will be requesting all parties to send Mr. Raymond any material which they regard as appropriate, so that he may be properly familiarized with the issues in this case. After Mr. Raymond has had the opportunity to review the material, it may be helpful to him if he can have a meeting with the parties, but it would be necessary for Your Honor to specifically order that, inasmuch as the Township has reservations as to the necessity of a Master in this case.

As always, I thank Your Honor for your attention to this matter.

Sincerely,


Thomas Jay Hall

TJH:sls
Enclosure

cc: All parties on service list

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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,

Plaintiff,

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.

Civil Action

ORDER

This matter having been opened to the court in a case management conference by O&Y Old Bridge Development Corp. (hereinafter "O&Y"), Thomas Jay Hall and Dean A. Gaver, Esquires, appearing; in the presence of plaintiff Woodhaven Village Inc. (hereinafter "Woodhaven"), Stewart Hutt, Esq., appearing; and in the presence of the Urban (now Civic) League of Greater New Brunswick (hereinafter "Urban League"), Barbara Stark and John Payne, Esquires appearing; and in the presence of The Township of Old Bridge Planning Board (hereinafter "Planning Board"), Thomas Norman, Esquire appearing; and in the presence of the the Township of Old Bridge and the Township Council of Old Bridge (hereinafter "Township") Jerome J. Convery, Esquire appearing; and in the presence of Oakwood at Madison and Beren Corp. (hereinafter, "Oakwood"), Fredrick A. Mezey, Esquire appearing; and the court having heard arguments and good cause having been shown:

It is on this ____ day of _____ 1987:

ORDERED:

1. George M. Raymond, AIA, AICP of Tarrytown, New York is hereby appointed as Special Master to the Court. As his first assignment, Mr. Raymond shall immediately familiarize himself with the particulars of the proposed settlement of the controversy between Oakwood and the Urban League and shall provide a report with respect to a proposed solution no later than August 1. Costs for such review and report shall be shared by Oakwood and Urban League.

Until such time as the Court otherwise directs, Mr. Raymond is to familiarize himself with the background and current status of the overall case, involving plaintiffs O&Y, Woodhaven, Urban League, the Planning Board and the Township. Further action by Mr. Raymond will be pursuant to

future directions issued by this Court. The parties are to supply Mr. Raymond with all appropriate reports, maps and documents, and shall provide Mr. Raymond with such other material as he may request from time to time.

In the event that the Court upholds the January 24, 1986 settlement, costs for Mr. Raymond's services shall be shared as provided in section V-F.4 of the agreement which is part of the settlement. In the event that the Court voids the January 24, 1986 agreement and transfers this case to the Council on Affordable Housing, any costs incurred for Mr. Raymond's services up to August 13, 1987 shall be shared equally by the buider-plaintiffs, O&Y and Woodhaven.

2. The Township's Motion to Reopen this case and to transfer it to the jurisdiction of the Council on Affordable Housing is hereby scheduled to be heard on August 13, 1987 at 10:00 a.m. in the Court House, Toms River, New Jersey. The Township and the Planning Board shall file all briefs, affidavits and reports no later than July 17, 1987; plaintiffs shall file any answering briefs, affidavits and reports no later than July 31, 1987; and the Township and Planning Board shall have until August 7, 1987 to file any reply briefs and supporting materials.

3. Pending the outcome of the August 13, 1987 hearing, the terms and conditions of the Order of January 24, 1986 are maintained as filed.

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

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