

Old Bridge 1987

- Cover letter
- Cover letter re: Old Bridge: Mount Laurel Issues
- Memo re: Judge's chamber meeting
- Letter to Judge ~~re~~ re: George Raymond

pgs. 7

CA 000164L

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

CA000164L

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

July 8, 1987

Mr. C. Roy Epps, President
Civic League of Greater New Brunswick
47-49 Throop Avenue
New Brunswick, NJ 08901

Dear Roy:

Enclosed please find copy of letter of Tom Hall dated July 6, 1987, which I believe is self-explanatory. Please telephone me to discuss what, if anything, you think we should forward to George Raymond besides our answering papers to Old Bridge's motion, which are due on July 31, 1987.

Sincerely,



encls

cc/Payne, Neisser (w/encls)

BRENER WALLACK & HILL

ATTORNEYS AT LAW

210 CARNEGIE CENTER
PRINCETON, NEW JERSEY 08543-5226

PETER J. COSSMAN
OF COUNSEL

HARRY BRENER
HENRY A. HILL
MICHAEL D. MASANOFF
ALAN M. WALLACK
GERARD H. HANSON
GULIET D. HIRSCH
ROBERT W. SACSO, JR.
EDWARD D. PENN

(609) 924-0808

MARILYN S. SILVIA
THOMAS JAY HALL
ROCKY L. PETERSON
MICHAEL J. FEEHAN
MARY JANE AUGUSTINE
THOMAS F. CARROLL, III
MARTIN J. JENNINGS, JR.
EDDIE PAGAN, JR.
JOHN O. CHANG
JOSEPH A. VALES
DANIEL J. SHERIDAN
MATTHEW H. LUBART
L. STEPHEN PASTOR
RUSSELL U. SCHENKMAN
JOEL D. ROSEN*
YVONNE MARCUSE
FRANK A. DANZI
KURT E. AMEND
JEFFREY L. SHANABERGER

CABLE "BWH" PRINCETON
TELECOPIER: (609) 452-1888
TELEX: 271344

*MEMBER OF PA BAR

July 6, 1987

FILE NO.

FEDERAL EXPRESS

George Raymond
Raymond, Parish, Pine & Weiner
555 White Plains Road
Tarrytown, NY 10591

Re: Old Bridge Township: Mount Laurel Issues

Dear Mr. Raymond:

First, allow me to welcome you as court-appointed master in this case. The job has substantial complexity, and I am quite sure your talent and expertise will be most useful.

Through this letter, I will attempt to sketch, in broad outline, the history of the problem and our current status; as well as to indicate what appear to be the issues extant in this case. I will be sending a copy of this letter to all parties in the case, and I am sure everyone will feel free to provide you with their own perspective on the matter.

1. History of the case

Old Bridge Township - originally Madison Township - has been in litigation with respect to its affordable housing situation for some time. Oakwood at Madison v. Madison Township (72 NJ 480 1977) commenced in November, 1970; Urban League of Greater New Brunswick v. Carteret, et al. (with the et al including Old Bridge Township) began in 1974. O&Y filed suit against Old Bridge Township in 1981; that suit was substituted for a Mount Laurel suit in 1984. Woodhaven also filed suit against the Township in 1984. During the period of time - 17 years in the case of Oakwood - that these plaintiffs have been involved in litigation, there have been numerous ordinance revisions, revised environmental standards, and various other changes in the land development framework.

2. The settlement package

In the summer of 1985, O&Y approached the Township with a proposal to settle the litigation. That proposal became the focal point of the enclosed settlement document of January 24, 1986. During the course of the summer and fall of 1985, O&Y, Woodhaven, the Urban League, the court-appointed master (Ms. Carla Lerman) and the Township engaged in vigorous discussions over the terms and conditions of the settlement.

Following Township Committee and Planning Board review and a compliance hearing on the settlement, the parties entered into the agreement on January 24, 1986.

Thereafter, O&Y and Woodhaven began a process of presentation of plans to the Planning Board. I would be happy to provide you with transcripts of the Planning Board hearings, and I would appreciate it if you would let me know whether or not you will need those documents.

O&Y suspended its presentations to the Planning Board following a request by the Township that we address the wetlands issues; and thereafter, both O&Y and Woodhaven commissioned special studies of the wetlands in their areas and both developer-plaintiffs have sought United States Army Corps of Engineer delineation of their wetland areas.

O&Y has now received Army Corps of Engineer delineation of its site (see attached letter and copies of the reports referenced herein)

3. The Township's motion to reopen

In December, 1986, the Township Planning Board and the Township Council moved to reopen this case, on the grounds that the amount of wetlands on the site made performance of the agreement by O&Y and Woodhaven impossible. I will not attempt to characterize the legal issues contained in both the Township and the Planning Board papers, and would request those parties to provide you with their motion papers, professional reports, supporting memoranda and affidavits to you directly.

Suffice it to say for purposes of this introductory review, that both O&Y and Woodhaven disagree with the Township's motion to reopen and will vigorously contest this on August 13th. It is my understanding that the Township will be providing augmentation of their motion papers with technical reports, including one or more prepared by Carl Hintz, their planning consultant, and with additional affidavits and reports. All reports will be provided to the court (and, presumably, to you) on July 17th. Thereafter, the plaintiffs will have an opportunity to file reply briefs, which will be due on July 31st.

I will, on behalf of O&Y, provide you with a copy of our materials as soon as practicable, but I think it unlikely that you will receive the full position of the parties prior to July 31st. If it appears as though the

George Raymond
July 6, 1987
Page 3

court will need a factual review of this case and a report from you by August 13th, I will try to accelerate my production of any reply brief so you will have a draft of it, at least, prior to the 31st. I would hope that the other parties in this case would also supply you with as much background material as you would need prior to the 31st, so that you would be better equipped to deal with any request by the court. Given the fact that a good portion of the Township's case seems to be "The builder's can't do what we thought they could do because of the wetlands", it probably would be best if you could review all the parties' position papers.

Please let me know if there are any other studies, background materials, reports, or data which have already been produced in this case and which you would find useful. Carla Lerman has a substantial file on this matter, and it might be most efficient if you were to contact her directly with respect to her "passing the baton" to you. She can be reached, during the day, at the New Jersey Department of Community Affairs (609-633-3887).

Again, please let me know if there is any further information we can provide to you.

Sincerely,


Thomas Jay Hall

TJH:sls
Enclosures

cc: Honorable Eugene D. Serpentelli, A.J.S.C. (w/o enc.)
All parties on the service list (w/o enc.)
(Via Regular Mail)

SERVICE LIST - OLD BRIDGE

Thomas Norman, Esquire
Norman & Kingsbury
Jackson Commons A-2
30 Jackson Road
Medford, NJ 08055

Jerome J. Convery, Esquire
151 Route 516
P.O. Box 642
Old Bridge, NJ 08857

Stewart Hutt, Esquire
Hutt, Berkow & Jankowski
459 Amboy Avenue
P.O. Box 648
Woodbridge, NJ 07095

Dean Gaver, Esquire
Hannoch Weisman
4 Becker Farm Road
Roseland, NJ 07068

Barbara Stark, Esquire
Rutgers School of Law
Constitutional Litigation Clinic
15 Washington Street
Newark, NJ 07102-3192

William Flynn, Esquire
Antonio & Flynn
255 Highway 516
P.O. Box 515
Old Bridge, NJ 08857

Frederick C. Mezey, Esquire
Mezey & Mezey
93 Bayard Street
P.O. Box 238

George Raymond, Court-appointed Master
Raymond, Parish, Pine & Weiner
555 White Plains Road
Tarrytown, NY 10591

Lloyd Brown
Executive Vice President
O&Y Old Bridge Development Corp.
760 Highway 18
East Brunswick, NJ 08816

MEMO

TO: File (Urban League v. Carteret - Old Bridge)

FROM: Barbara Stark

DATE: July 7, 1987

On July 7th, 1987 Patricia called from Judge Serpentelli's chambers regarding the proposed forms of Orders.

RE: Oakwood

The Judge will not sign anything unless all parties agree.

RE: Tom Hall's Order

1. The Judge never intended that the Civic League bear the cost of the master (with respect to Oakwood or general Old Bridge report).
2. The parties should discuss the Civic League's second objection regarding Old Bridge's submission of supplemental material at the reply brief stage.

I've advised Mezey as to the foregoing and I have a call in to Tom Hall. Mezey said he is waiting to hear from Mike Kaplan regarding our suggestion that they post a bond.

cc/Payne, Neisser

MEZEY & MEZEY

COUNSELLORS AT LAW
93 BAYARD STREET
P.O. BOX 238
NEW BRUNSWICK, N.J. 08903
(201) 545-6011

LOUIS A. MEZEY (1929-1982)
FREDERICK C. MEZEY*
~~XXXXXXXXXXXXXXXXXXXX~~
DEBORAH A. COHEN

SUITE 100
ELM RIDGE RD., R.D. 2
PRINCETON, N.J. 08540
(609) 921-1743

*MEMBER OF N.J. & D.C. BAR
**MEMBER OF N.J. & N.Y. BAR

OUR FILE NO.

#5105

July 2, 1987

Hon. Eugene D. Serpentelli
Ocean County Court House
CN 2191
Toms River, NJ 08754

Re: Urban League, et al v. Carteret, et al
Docket No. C-4122-73

Dear Judge Serpentelli:

While driving back from the Case Management Conference on June 25, 1987, it occurred to me that George Raymond had been considered as one of the possible experts in the original Oakwood at Madison trial in 1970.

I recalled meeting with Mr. Raymond at his office in White Plains and discussing the case with him. I could not remember then, and still cannot remember whether Mr. Raymond was actually hired, whether he produced a report and whether or not he sent a statement for his services. I do remember that Mr. Raymond did not testify at the trial.

I immediately disclosed this to Mr. Hall, who I asked to call Mr. Raymond resulting in Mr. Raymond's letter of June 29, 1987.

Obviously the Court and all parties should be made aware of this situation for whatever impact it may have.

Respectfully yours,

MEZEY & MEZEY

BY

FREDERICK C. MEZEY

FCM:cv
cc: All counsel