

U. L. v. Carteret

7 Feb 1986

N. Brunswick

Letter to Serpentelli re: Affordable
Housing Ordinance

Pgs 2

CA000476L

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February 7, 1986

*rec'd 2/11**Reply to**P. O. Box 648**(201) 634-6400**Our File #*

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Hon. Eugene D. Serpentelli, A.J.S.C.
 SUPERIOR COURT OF NEW JERSEY
 Ocean County Court House
 CN 2191
 Toms River, New Jersey 08754

Re: Urban League of Greater New Brunswick, et al.
 vs. Borough of Carteret, et al.
 (North Brunswick C-4122-73)

Dear Judge Serpentelli:

We are writing on behalf of plaintiff, Brunswick Manor Associates with regard to the last element of the Township of North Brunswick's compliance package; specifically, the Affordable Housing Ordinance. The Township's zoning ordinance was adopted in February, 1985.

On Monday, February 3, 1986 the Township Council voted to not adopt the Affordable Housing Ordinance. The circumstances under which the Council disapproved the ordinance are interesting. The North Brunswick Township Council is composed of seven members. One member has, throughout this litigation, disqualified himself due to a conflict of interest leaving six votes. The February 3, 1986 vote on the Affordable Housing Ordinance was three members in favor of adoption, two members opposing adoption and one abstention. The Township's form of government requires four affirmative votes in order to adopt an ordinance and, therefore, the Affordable Housing Ordinance failed.

The ordinance rejected by the Council was a January 29, 1986 draft which draft reflected modifications resulting from negotiations during the January 24, 1986 settlement conference before Your Honor and subsequent negotiations. It was our understanding that the January 29, 1986 draft was acceptable to the Master, the Urban League and the builder-plaintiffs.

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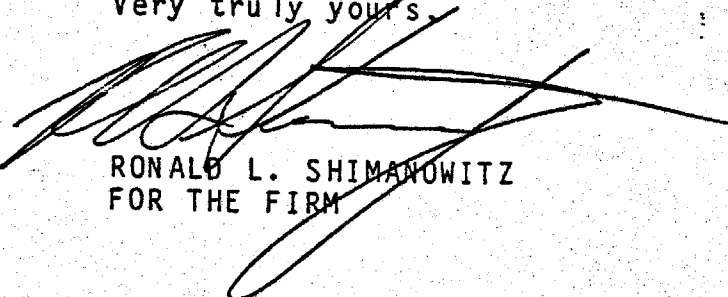
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The Consent Order entered in this matter by Your Honor on September 10, 1984, particularly paragraphs 17 and 18 thereof, established the procedure by which the Township was to enact compliant ordinances. Some seventeen (17) months have past since the entry of said Consent Order which contemplated 45 days to reach agreement on revisions and 60 days to enact the ordinance.

In light of the foregoing, and pursuant to paragraph 17 of the September 10, 1984 Consent Order, we respectfully request that Your Honor appoint Carla Lerman as Master, request that Ms. Lerman report on the January 29, 1986 draft of the Affordable Housing Ordinance and, that Your Honor set this matter down for a compliance hearing.

Thanking you for your attention of the above, I am

Very truly yours,



RONALD L. SHIMANOWITZ
FOR THE FIRM

RLS:a1

cc: Carla Lerman
Eric Neisser, Esq.
Donald R. Daines, Esq.
Frederic S. Kessler, Esq.
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