

CA - O+Y v. Old Bridge Twp

10/28/85

order - Court-set schedule for
progress toward a Settlement
Agreement

P 6

CA 002362. 0

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 constitutional 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 *2nd* day of *December*, 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~~ ^{December 2,} 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 25~~ ^{December 2,} 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 26~~ ^{December 2,} 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 26~~ ^{December 2,} 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~~, 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} ~~for~~ 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.

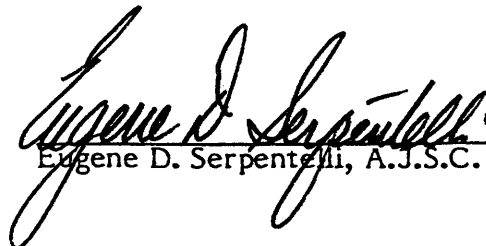
j. The Planning Board shall schedule public hearings on these Plates in order to provide an opportunity for public comment on the Plans. It is anticipated that two meetings per month will be available for these hearings.

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.

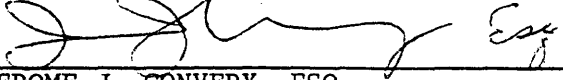
3. The Old Bridge Township Planning Board and the Old Bridge Township Board of Adjustment, through their respective attorneys, shall supply the parties and the Master with copies of the minutes of all meetings wherein development applications were heard in the months of July, August, September and October/^{November}1985, 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.

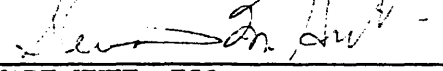
TOWNSHIP OF OLD BRIDGE

By 
JEROME J. CONVERY, ESQ.

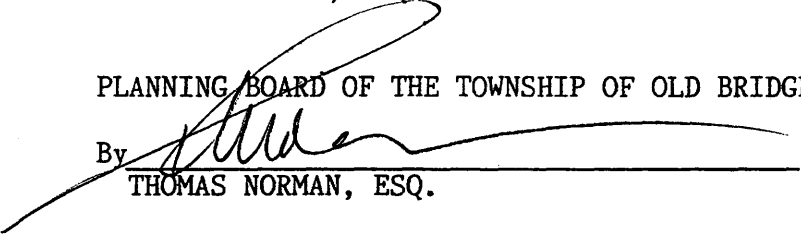
O & Y OLD BRIDGE DEVELOPMENT CORPORATION

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.

JUDGE SERPENTINI'S CHAMBERS

DEC 16 1985

RECEIVED