

UL . v. CARTERET, OLD BRIDGE

March 5, 1987

Certification in Opposition to Notice of Motion Returnable March 13,
1987

pp. 4

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JEROME J. CONVERY, ESQ.
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Attorney for Defendant,
Township of Old Bridge

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al,

Plaintiff,

v.

TH MAYOR AND COUNCIL OF
CARTERET, et al,

Defendants and

OAKWOOD AT MADISON, INC., and
BEREN CORP.,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: OCEAN COUNTY
: DOCKET NO. C-4122-73

: CERTIFICATION IN OPPOSITION
: TO NOTICE OF MOTION
: RETURNABLE MARCH 13, 1987

O & Y OLD BRIDGE DEVELOPMENT
CORP.,

Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE, THE
TOWNSHIP COUNCIL OF THE TOWNSHIP
OF OLD BRIDGE and THE PLANNING
BOARD OF THE TOWNSHIP OF OLD
BRIDGE,

Defendants

: LAW DIVISION-MIDDLESEX COUNTY
: DOCKET NO. L-009837 P.W.

WOODHAVEN VILLAGE, INC.,

Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE, THE
TOWNSHIP COUNCIL OF THE TOWNSHIP
OF OLD BRIDGE and THE PLANNING
BOARD OF THE TOWNSHIP OF OLD BRIDGE,

Defendants

: LAW DIVISION-MIDDLESEX COUNTY
: DOCKET NO. L-036734-84 P.W.

JEROME J. CONVERY, of full age, certifies as follows:

1. I am the attorney for the Township of Old Bridge and am fully familiar with the facts of the within matter, and make this Certification in Opposition to the Notice of Motion returnable March 13, 1987, for an Order confirming and entering a Consent Judgment establishing phasing, affordability and resale/re-rental restrictions for the Oakwood at Madison project.

2. As attorney for the Township of Old Bridge, I note that the Township of Old Bridge and the Old Bridge Township Planning Board have a Motion pending before this Court to set aside the judgment and settlement in the above referenced matter. I incorporate by reference the Notice of Motion, Certifications in support thereof, and Brief submitted by Thomas Norman, Esq. It is my understanding that that Motion has been adjourned without date so that the parties in this matter would have an opportunity to meet with Carla Lerman, Court Master in this matter, and to exchange experts' reports concerning the delineation of wetlands for the O & Y and Woodhaven properties. I have just received a copy of the wetlands delineation report of Amy Green, on behalf of Olympia & York, and I am in the process of forwarding said report to the Township Council for full discussion. Furthermore, I am aware of the fact that copies of this report have been forwarded to various professionals on behalf of the Township of Old Bridge and Old Bridge Township Planning Board for their review and comment. It is anticipated that the reports of the professionals for Old Bridge Township and the Old Bridge Township Planning Board will be available within thirty (30) days. Following the exchange of these experts' reports, I anticipate that it may be possible to reach a Stipulation of Facts

concerning wetlands delineation, so that the parties can argue the merits of the Motion to set aside the judgment and settlement.

3. I believe it is obvious that no Consent Judgment can be entered in this case without the knowing and voluntary consent of the Township of Old Bridge, the Old Bridge Township Planning Board, and the Old Bridge Township Municipal Utilities Authority. I represent to the Court that this Consent Order between Oakwood at Madison and the Urban League of Greater New Brunswick has been discussed by me with the Township Council of the Township of Old Bridge, and I have been instructed not to enter into any further agreement on this matter until such time as the Court has ruled on the Motion to set aside the judgment and settlement. On this basis, I submit that I can not sign any Consent Order on behalf of the Township of Old Bridge in this matter.

4. The documents submitted in this matter, consist of a copy of the proposed Consent Judgment, and a joint Certification by Frederick C. Mezey, Esq. and Barbara Stark, Esq., in support of said Motion. It is respectfully submitted that the Certification in question is no basis for the Court to finalize any so-called "Consent Order" in this matter. Obviously, if the Township of Old Bridge is unwilling to sign the Consent Order, there is no basis for the entry of a "Consent Order". On the basis of the objection of the Township of Old Bridge, the Motion to confirm and enter a Consent Judgment must be denied. It is note worthy that there is no Motion pending to modify the Judgment in question, and no attempt to present evidence justifying a modification of the Judgment and Settlement in this case. Since the only request is for the Court to confirm and enter a "Consent Order", the Court must deny this request at this time.

5. For the above reasons, I respectfully request that the Motion in this matter be denied.

DATED: March 5, 1987



JEROME J. CONVERY, ESQ.
Attorney for Defendant,
TOWNSHIP OF OLD BRIDGE