

CA

Old Bridge

10-May 1985

Stenographic Transcript of the
Court's decision

pgs 8.

CA002570S

RECEIVED

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O & Y OLD BRIDGE DEVELOPMENT
CORPORATION,

Plaintiff

vs.

TOWNSHIP OF OLD BRIDGE,

Defendant

and

URBAN LEAGUE OF GREATER NEW
BRUNSWICK,

Plaintiff

vs.

MAYOR AND COUNCIL OF BOROUGH
OF CARTERET,

Defendant

JUDGE SERPENTELLI'S CHAMBERS
STENOGRAPHIC TRANSCRIPT

OF

THE COURT'S DECISION

Place: Ocean County Courthouse
Toms River, New Jersey

Date: May 10, 1985

B E F O R E:

HONORABLE EUGENE D. SERPENTELLI, J.S.C.

TRANSCRIPT ORDERED BY:

DEAN A. GAVER, ESQ.

CA002570S

Judith R. Marinke, C.S.R.

1 A P P E A R A N C E S :

2 BRENER, WALLACK & HILL, ESQS.,
Attorneys for Woodhaven Village
3 BY: RONALD L. SHIMANOWITZ, ESQ.
THOMAS J. HALL, ESQ.
4 HENRY A. HILL, JR., ESQ.

5 HANNOCH, WEISMAN, STERN, BESSER, BERKOWITZ & KINNEY, ESQS.
Attorneys for O & Y
6 BY: DEAN A. GAVER, ESQ.

7 HUTT, BERKOW & JANOWSKI, ESQS.
Attorneys for Woodhaven Village
8 BY: STEWART M. HUTT, ESQ.

9 MEZEY & MEZEY, ESQS.
Attorneys for Kaplan
10 BY: FREDERICK C. MEZEY, ESQ.
JEFFREY L. SHANABERGER, ESQ.

11 NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING
Attorneys for the Plaintiff Urban League of Greater
12 New Brunswick
13 BY: ERIC NEISSER, ESQ.
JOHN PAYNE, ESQ.

14 HEILBRUNN, FINELSTEIN, HEILBRUNN, ALFONSO & GOLDSTEIN, ESQS.
Attorneys for the Intervenors
15 BY: JONATHAN M. HEILBRUNN, ESQ.

16 MEYNER & LANDIS, ESQS.
Attorneys for Trafalgar Square Developers and 516 Realty, Inc.
17 BY: WILLIAM A. L. ECKSTEIN, ESQ.

18 THOMAS NORMAN, ESQ.
19 Attorney for Old Bridge Planning Board

20 MICHAEL A. NOTO, ESQ.
Attorney for Township of Old Bridge

21 ANTONIO & FLYNN, ESQS.
Attorneys for Old Bridge Municipal Utilities Authority
22 BY: WILLIAM E. FLYNN, ESQ.

23 A. J. KARCHER, ESQ.
Attorney for Edward Rondinelli
24 BY: LOUIS N. RAINONE, ESQ.

25

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1 A P P E A R A N C E S: (cont'd)

2 GASIOROWSKI & ZAPCIC, ESQS.
Attorneys for Gatlif Builders and Charles Vanover, Inc.
3 BY: RONALD S. GASIOROWSKI, ESQ.

4 RAYMOND R. & ANN W. TROMBADORE, ESQS.
Attorneys for Foxborough (Not a party)
5 BY: RAYMOND R. TROMBADORE, ESQ.

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Judith R. Mazinke, C.S.R.

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THE COURT: Okay. Thank you.

I have read these papers thoroughly and I feel no need for oral argument. I will permit oral argument after I have ruled, if you would like.

I think the motion was entirely premature and expended a great deal of the Court's time, which could have been accomplished, or which could have been utilized for more positive purposes.

Had there been a request for a case conference, so that I could read the riot act, if that was necessary, and I don't find it necessarily is, but if it was, it would have been honored.

Had there been a request that I ask the master to report as she did today, it would have been honored. Had there been any indication here that there was a fall down in an effort to comply, the Court would have pressed it.

Now, there is some concern, on the part of the Court, that we haven't moved as quickly as we should. I don't mean to indicate that this town has done everything I would like it to do, but a lot of towns have not.

The relief sought is extremely drastic, as is evidenced by the responses received from numerous property owners in the town. I get the impression

Judith R. Marinke, C.S.R.

1 that this town is moving, be it grudgingly or not,
2 towards its recognition of its fair share, and if I
3 am wrong, there is a remedy for that.

4 I think that the way to go about this is not
5 by way of a motion of this magnitude, which has com-
6 pelled the Court to spend a great deal of time re-
7 viewing the papers and, I think, lost time and lost
8 sight of the real issue involved.

9 Nobody really gains much by these type of
10 motions, and I am not so sure that, even as a leverage
11 mechanism, it accomplishes much.

12 I am going to deny the motion, there being
13 no showing whatsoever on the basis under the rules
14 applicable to a restraining order or in the principles
15 of law, that any of them are satisfied.

16 On the other hand, I want it to be clear that
17 we really can't tolerate too much additional delay
18 here, and this thing has got to get wrapped up.

19 I am going to direct that the direct parties
20 in interest here remain when I am finished, and I
21 don't think that's an imposition, because I have just
22 saved an hour's oral argument or more, and that's
23 why I moved as I did, and that they stay to discuss
24 with Miss Lerman the present status of the matter,
25 pin down specifically the questions that she has and

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1 chart a future course and set specific deadlines for
2 completion of those things that have to be done.

3 I am not going to try to set them, based on
4 oral argument, but if you can't agree, I would ask
5 then that you come back into Court and I will hear
6 the master's recommendations and the comments with
7 regard to them, and that that deadline or those dead-
8 lines will be specifically and strictly adhered to.

9 If at anytime in the future the master should
10 be of the impression that the township is failing to
11 abide by the deadlines in good faith, she is now, and
12 on the record, to inform the Court with notice to all
13 the parties. Otherwise, if the matter proceeds,
14 these types of motions will not be entertained.

15 Of course, all of the unfortunate property
16 owners who had to obtain counsel to be here present,
17 they had to do nothing with that aspect of the
18 matter, but nonetheless, the application for re-
19 straint, of course, is denied, and I would ask that
20 until I complete the other aspect of this motion,
21 of course, counsel for the individual owners, are
22 released.

23 Urban League has another aspect of the
24 motion, but the other parties can take the small
25 room out in the hallway and start discussions, and

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then as soon as I can clear the Court of those motions remaining, if you are too cramped, you can come in here and complete your work.

So, Miss Lerman, the Urban League is going to be tied up a little bit and a few of the parties until we take care of the other motions.

Anyone else is free to go.

I guess everybody feels they have an interest in this next motion. It did not appear to me that way.

Judith R. Marzinke, C.S.R.

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C E R T I F I C A T E

I, JUDITH R. MARINKE, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as recorded by me stenographically at the time and place hereinbefore set forth.

Judith R. Marinke
JUDITH R. MARINKE, C.S.R.
License No. XI00392

Dated: July 11, 1985

Judith R. Marinke, C.S.R.