

RULS - AD - 1985 - 170

8/12/1985

Decision, Hills Development Co. vs. Township of Bernards

Pgs - 13

FILED 7-17-85
IN CHAMBERS
EUGENE D. SERPENTELLI, A.J.S.C.

RECEIVED

SUPERIOR COURT OF N.J.
DOCKETED

REC'D. & FILED
SUPERIOR COURT
OF NEW JERSEY

FARRELL, CURTIS, CARLIN & DAVIDSON
43 Maple Avenue
Morristown, New Jersey 07960
(201) 267-8130
Attorneys for Defendants, The Township of Bernards, et al.

AUG 12 1985
R-4
JOHN M. MAYSON
CLERK

AUG 10 1985
R-4
JOHN M. MAYSON
CLERK

THE HILLS DEVELOPMENT COMPANY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	SOMERSET/OCEAN COUNTY
	:	(Mt. Laurel II)
vs.	:	
	:	Docket No. L-030039-84 P.W.
THE TOWNSHIP OF BERNARDS, et al.,	:	
	:	Civil Action
Defendants.	:	ORDER STAYING ACTION AND
	:	PRECLUDING BUILDERS' REMEDIES

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OKPK
7-17-85

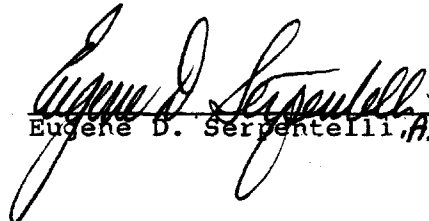
This matter having been opened to the Court jointly by Farrell, Curtis, Carlin & Davidson, Attorneys for Defendants, The Township of Bernards, The Township Committee of the Township of Bernards, and the Sewerage Authority of the Township of Bernards, Kerby, Cooper, Schaul & Garvin, Attorneys for The Planning Board of the Township of Bernards, and Brener, Wallack & Hill, Attorneys for Plaintiff, The Hills Development Company and the Court having been informed that the Defendant, Township of Bernards has amended its land use ordinance to provide for

RULS - AD - 1985 - 170


more than 1000 units of low and moderate income housing pursuant to Mount Laurel II; and the Court having been further informed that the parties are in settlement negotiations with regard to some aspects of the aforesaid amendment and other issues; and the Court being satisfied that such voluntary settlements of Mount Laurel II cases may be in the public interest; and the Court having received the report of George Raymond, P.P., the Master in this matter, and having been informed that the matter is now ready for a hearing to review the proposed settlement and compliance package; and the Court having entered an Order staying this action and precluding builder's remedies until June 15, 1985; and for good cause shown;

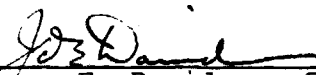
It is on this 17 day of *July*, 1985;


ORDERED that this Court's Order dated December 19, 1984 as previously extended is further extended until such time as the Court has passed upon the compliance package of the Township of Bernards.


Eugene D. Serpentelli, J.S.C.

This Order is consented to both in form and substance.


Henry A. Hill, Esq.
Brener, Wallack & Hill
Attorneys for Plaintiff
The Hills Development Company


James E. Davidson, Esq.
Farrell, Curtis, Carlin & Davidson
Attorney for Defendants
The Township of Bernards, et al.


Arthur H. Garvin, III, Esq.
Kerby, Cooper, Schaul & Garvin
Attorney for Defendant
Planning Board of the Township of
Bernards

signed

RECEIVE

JUL 15 1985

KERBY, COOPER, SCHAUL & GARVIN

COUNSELLORS AT LAW

9 DE FOREST AVENUE

SUMMIT, NEW JERSEY 07901

201-273-1212

RUSSELL T. KERBY, JR.
JOHN W. COOPER
ROBERT F. SCHAUL
ARTHUR H. GARVIN III
PHYLLIS B. STRAUSS

RICHARD G. MOSER
OF COUNSEL
JERRY FITZGERALD ENGLISH
OF COUNSEL

July 15, 1985

The Honorable Eugene D. Serpentelli
Ocean County Court House
Toms River, NJ 08754

Re: Bernards Township et al ads
Hills Development Co.
Docket No. L-030039-84 P.A.

Dear Judge Serpentelli:

Pursuant to your letter of June 28, 1985 to Mr. Davidson in this matter, I submit herewith an Order extending the Township's immunity retroactive to the expiration of the prior Order.

If the form of the proposed Order is satisfactory to Your Honor, I would appreciate your execution of same and the return of the filed copy in due course. We have provided a stamped envelope herein.

Your Honor's kind attention to this matter is most appreciated.

Respectfully yours,
Arthur H. Garvin III
ARTHUR H. GARVIN, III

AHG:pd
Enclosures
cc: Thomas J. Hall, Esq.
James E. Davidson, Esq.



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI
ASSIGNMENT JUDGE

OCEAN COUNTY COURT HOUSE
C.N. 2191
TOMS RIVER, N.J. 08754

June 28, 1984

James E. Davidson, Esq.
Farrell, Curtis, Carlin and Davidson
43 Maple Avenue
P. O. Box 145
Morristown, N. J. 07960

Re: The Hills Development Co. v. Twp of Bernards et als
Docket No. L-30039-84 PW

Dear Mr. Davidson:

I wish to acknowledge your letter of June 12, 1985. You may submit an order extending the current immunity retroactive to its expiration of June 15, 1985 until such time as the court has passed upon the compliance package of the community.

I will be in touch with all counsel concerning a hearing date after I have reviewed the master's report.

Very truly yours,

EDS:RDH
copy to:
Henry A. Hill, Esquire
Arthur H. Garvin, III, Esquire
George Raymond, P. P.

Eugene D. Serpentelli,
A. J. S. C.

FARRELL, CURTIS, CARLIN & DAVIDSON

ATTORNEYS AT LAW

43 MAPLE AVENUE

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RECEIVED

JUN 1 1985

JUDGE SERPENTELLI'S CHAMBERS
FRANK J. VALGENTI, JR.

EDWARD J. FARRELL
CLINTON J. CURTIS
JOHN J. CARLIN, JR.
JAMES E. DAVIDSON
DONALD J. MAIZYS
LOUIS P. RAGO

LISA J. POLLAK
HOWARD P. SHAW
CYNTHIA H. REINHARD
MARTIN G. CRONIN

June 12, 1985

The Honorable Eugene D. Serpentelli
Judge of the Superior Court
Ocean County Court House
Toms River, New Jersey 08754

Re: Hills Development Company
v. Bernards Township
Docket No. L-030039-84 P.W.

Dear Judge Serpentelli:

The parties in the above mentioned matter have arrived at an agreement to settle and conclude the above matter. Additionally the Township has been working with George Raymond on all aspects of the Township's compliance package, and we believe we have reached an understanding which is satisfactory to Mr. Raymond and the municipality. I am in the process of drafting a proposed order and judgment which will be satisfactory to the parties and the Court. The drafting of the proposed judgment has proved difficult. It is my understanding that this process, including the drafting of the judgment, has delayed the filing of George Raymond's report, although Mr. Raymond has indicated to me that he expects to have his report filed by the end of this week.

I respectfully request that the Court schedule a hearing date to review the proposed settlement and compliance package in order to dispose of the action and bring the matter to a conclusion. I would expect to submit all reports and documentation necessary for the Court's review well in advance of the hearing date. I would also respectfully request that the Order dated April 29, 1985 which was supplemented by the Court's

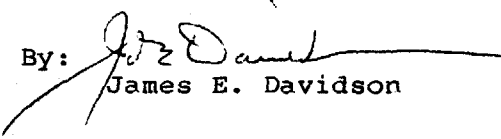
Honorable Eugene D. Serpentelli
Page Two
June 12, 1985

letter dated May 13, 1985 be extended until such hearing date
and until the matter is finally disposed of by the Court.

Both my adversary and Mr. Raymond have indicated to me that
they concur with this request.

Respectfully submitted,

FARRELL, CURTIS, CARLIN & DAVIDSON

By: 
James E. Davidson

JED/sjm
cc: Arthur H. Garvin III, Esq.
Henry A. Hill, Jr., Esq.
Mr. George Raymond



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C.N. 2191
TOMS RIVER, N.J. 08754

May 13, 1985

Mr. George Raymond
Raymond, Parish, Pine & Weiner, Inc.
555 White Plains Road
Tarrytown, N. Y.
10591-5179

Re: Hills Development v. Township of Bernards

Dear Mr. Raymond:

I wish to acknowledge your letter of May 8, 1985. I note that the first immunity order in this matter was entered on December 19, 1984 allowing for 90 days in which to provide a compliance package. By the extension of the immunity to June 15, 1985 the township would have had six months to complete the compliance package.

I will honor your request for an extension to June 15, 1985 with the express understanding that no further extension will be granted. I also note that if matters can be resolved sooner, the compliance package will be submitted before the expiration date.

Very truly yours,

EDS:RDH
copy to:
James Davidson, Esq.
Thomas J. Hall, Esq.

Eugene D. Serpentelli,
A. J. S. C.

RPPW

Raymond, Parish, Pine & Weiner, Inc. 555 White Plains Road, Tarrytown, NY 10591-5179 914/631-9003 212/365-2666

Handwritten notes:
Settlement
Hills
P 5/8
Fictitious

May 8, 1985

Honorable Eugene D. Serpentelli, J.S.C.
Superior Court of New Jersey
Ocean County Court House
Toms River, New Jersey 08753

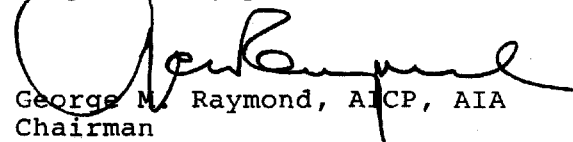
Re: Hills Development vs. Township of Bernards

My dear Judge Serpentelli:

While negotiations toward a settlement of the outstanding issues between the parties and the submission to the Court of an acceptable Mount Laurel II compliance package are progressing they cannot be expected to produce results by May 15th, the current expiration date of the interim repose.

I recommend that the repose be extended until June 15th, 1985. If everything can be resolved sooner, the compliance package might be submitted before its expiration.

Respectfully yours,


George M. Raymond, AICP, AIA
Chairman

GMR:kfv

cc: James Davidson, Esq.
Thomas J. Hall

MAY 11 1985

11/1

FARRELL, CURTIS, CARLIN & DAVIDSON
43 Maple Avenue
Morristown, New Jersey 07960
(201) 267-8130
Attorneys for Defendants, The Township of Bernards, et al.

THE HILLS DEVELOPMENT COMPANY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	SOMERSET/OCEAN COUNTY
	:	(Mt. Laurel II)
vs.	:	
	:	Docket No. L-030039-84 P.W.
THE TOWNSHIP OF BERNARDS, et al.,	:	
	:	Civil Action
Defendants.	:	ORDER STAYING ACTION AND
	:	PRECLUDING BUILDERS' REMEDIES
	:	FOR A PERIOD ENDING
	:	MAY 15, 1985


ORDER
4-27-85

This matter having been opened to the Court jointly by Farrell, Curtis, Carlin & Davidson, Attorneys for Defendants, The Township of Bernards, The Township Committee of the Township of Bernards, and the Sewerage Authority of the Township of Bernards, Kerby, Cooper, Schaul & Garvin, Attorneys for The Planning Board of the Township of Bernards, and Brener, Wallack & Hill, Attorneys for Plaintiff, The Hills Development Company and the Court having been informed that the Defendant, Township of Bernards has amended its land use ordinance to provide for

more than 1000 units of low and moderate income housing pursuant to Mount Laurel II; and the Court having been further informed that the parties are in settlement negotiations with regard to some aspects of the aforesaid amendment and other issues; and the Court being satisfied that such voluntary settlements of Mount Laurel II cases may be in the public interest; and the Court having entered an Order staying this action and precluding builder's remedies for 90-days; and the parties having requested an extension until May 15, 1985; and for good cause shown;

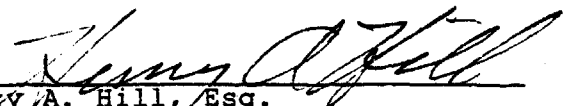
It is on this 29 day of April, 1985;

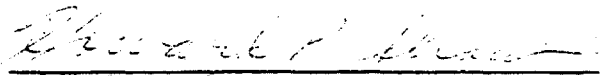
ORDERED that this Court's Order dated December 19, 1984 is extended in all respects for a period ending May 15, 1985.




Eugene D. Serpentelli, A.J.S.C.

This Order is consented to both in form and substance.


Henry A. Hill, Esq.
Brener, Wallack & Hill
Attorneys for Plaintiff
The Hills Development Company


Howard P. Shaw, Esq.
Farrell, Curtis, Carlin & Davidson
Attorney for Defendants
The Township of Bernards, et al.


Arthur H. Garvin, III
Kerby, Cooper, Schaul & Garvin
Attorney for Defendant
Planning Board of the Township
of Bernards

FARRELL, CURTIS, CARLIN & DAVIDSON

ATTORNEYS AT LAW

43 MAPLE AVENUE

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FRANK J. VALGENTI, JR.

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171 NEWKIRK STREET
JERSEY CITY, N. J. 07306
(201) 795-4227

April 25, 1985

The Honorable Eugene D. Serpentelli
Judge of the Superior Court
Ocean County Court House
Toms River, New Jersey 08754

Re: The Hills Development Co. v. Bernards Township

Dear Judge Serpentelli:

Enclosed please find a proposed Order extending the stay in the above action through May 15, 1985. I called your law clerk, Russ Burcheri, and discussed this request with him this morning.

We had originally planned to request that the Stay be extended until the end of this month, however, after a long meeting with the parties and George Raymond yesterday, George suggested that the request for a Stay be further extended to the middle of next month. As noted on the document, all parties have concurred with this request.

Respectfully submitted,

FARRELL, CURTIS, CARLIN & DAVIDSON

By:


James E. Davidson

JED/sjm

Encl.

cc: Henry A. Hill, Esq.

Arthur H. Garvin, III, Esq.