

**CLOSED SESSION MINUTES  
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN  
(SECTION 8 RESOLUTION)**

**AUGUST 9, 2010**

**OAKHURST, NEW JERSEY**

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**Present:** Mayor Larkin  
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga

**Absent:** Councilmember Siciliano

**Others:** Martin Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk

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**Subject:** Personnel – Employee Benefits

**Action:** Mr. Brannen informed the Council that there is pending legislation in the Senate that would limit the amount of terminal leave an employee is allowed at the time of retirement. Mr. Brannen is concerned that if this legislation is signed into law, the Township may lose some important people to retirement. Also of concern is the timeframe in which this legislation may become effective. He will be tracking this.

With this pending, however, Mr. Brannen feels that the Township needs to explore various options to protect itself and the employees. Both he and the Finance Director are exploring these options.

**Subject:** Litigation – COAH

**Action:** Martin Arbus, Township Attorney, discussed the status of the litigation. He reported, as follows:

1. He received correspondence from Surenian and Associates, the Township's Legal Counsel in this matter, explaining what avenues are available to the Township as this matter moves forward. Mr. Arbus reiterated that Mr. Surenian believes the Township should move forward with developing a Housing Element and Fair Share Plan.

Mr. Arbus went on to explain the various other items that were addressed in that correspondence. Mr. Arbus also reported that he has had some dialogue with Avalon Bay and he is not sure how they will be proceeding given the fact that it has been determined that they are not the "catalyst for change".

Mr. Arbus believes that Township should determine what is meant by "inclusionary" and how that affects the Township obligation. Based on this, it was determined that Marianne Wilensky, Director of Community Development, and Mary Beth Lonergan work to determine what is "inclusionary".

Mr. Arbus also reported that there will be a Case Management Conference on September 13, 2010. Further discussion will occur subsequent to that meeting.

**Subject:** Litigation – Stop and Shop

**Action:** Mr. Arbus reported that a Case Management Conference was set up for last week however, it was cancelled and rescheduled for December. He also met with a potential purchaser of the property who had thoughts of constructing a single store or possibly an shopping complex. Mr. Arbus also stated that there was some discussion about changing the zone of the property in question to what it was prior, however, that can not be done

**Subject:** Litigation – Citizen Complaint

**Action:** Mr. Arbus reported that he has to attend a Pre-Trial Conference related to the complaint filed by Mr. Loigman on August 10, 2010. The complaint has been modified yet again to include the Township's Auditor, Suplee Clooney and the

Township's Labor Attorney, Ruderman & Glickman. Mr. Arbus will report abck subsequent to the Conference

**Subject:** Litigation – Budget Inn

**Action:** Martin Arbus, Township Attorney, sent correspondence to the attorney for the Budget Inn stating that the Township will be proceeding with the demolition of the structure since there has been no remedial work done on this.

The Attorney for the developer will discuss with the owner however, the owner can not secure funding to repair the structure. Mr. Arbus reiterated that the Township will be moving forward with demolition unless something were to be done to rebuilt the structure.

Respectfully submitted,

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Vincent Buttiglieri, RMC/CMC  
Township Clerk