

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

**FEBRUARY 12, 2010**

**OAKHURST, NEW JERSEY**

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

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

**Absent:** Councilmember Siciliano

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**Subject:** Litigation

**Action:** Martin Arbus, Township Manager, discussed various issues related to the ongoing COAH Litigation. The status of the pending lawsuits were discussed.

1. Avalon Bay – the Township is working to have this complaint dismissed based on their failure to negotiate with the Township prior to filing the lawsuit. It is believed that Avalon Bay decided that negotiating with the Township would have been futile since they were previously turned down in their request to develop other property in the Township. The Township is in the process of compiling data that would demonstrate that the reason for turning down their previous request was due to the current market value and the density they were proposing.
2. Roosevelt Avenue – the Township does not believe this is viable due to the fact that it is located next to Poplar Village, where there are significant flooding issues with the already existing structures.
3. Martelli Site – has submitted their settlement proposal but the Township has concerns with the proposed coverage and their proposal for a settlement contribution based on a percentage of ultimate value.

Currently, Ocean Township has a motion that would prohibit any other developer from filing any additional lawsuits.

Mr. Arbus explained that the Executive Order signed by Governor Christie could potentially give relief to the Township by allowing credit for already built units of affordable housing.

Item C2 was removed from the Agenda and will be discussed at a subsequent meeting.

Respectfully submitted,

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Vincent Buttiglieri, RMC/CMC  
Township Clerk