

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

**MARCH 1, 2010**

**OAKHURST, NEW JERSEY**

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

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

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**Subject:** Litigation - COAH

**Action:** Martin Arbus, Township Attorney, discussed various issues related to the ongoing COAH Litigation:

1. Although Governor Christie issued a “stay” of COAH and its regulations, the Appellate Division has ruled that its rules and regulations are still in effect.
2. The Township has numerous motions before the court that still need to be decided. There was discussion as to whether the hearing of these motions and any subsequent decisions should be made prior to the outcome of any revisions to COAH. These matters will be heard within the next few weeks.
3. The Township has motions that will eliminate Avalon Bay and Roosevelt Properties from any builders remedy due to the fact that they are not the “catalyst for change”.
4. Mr. Arbus believes that the Avalon Bay lawsuit should be thrown out based on the fact that they never tried to negotiate with the Township, but rather just instituted the lawsuit.
5. Mr. Arbus reported that Avalon Bay filed a motion that the Township has limited land available and the Court should stop all development until the Township has a fully adopted Housing Plan.
6. With regard to the Martelli Development, Mr. Arbus explained that there is an issue that needs to be resolved regarding the contribution that they would make based on the values of the homes proposed. The Township feels that the contribution should be increased based on the extremely low value the developer has placed on the homes.
7. Mr. Arbus stated that there does not appear to be a great chance that the legislation will change to allow pre-1980 construction to count toward a municipalities low and moderate income housing obligation.

**Subject:** Litigation – Former Public Official

**Action:** Andrew Brannen, Township Manager and Martin Arbus, Township Attorney, discussed the status of the ongoing litigation with the various Public Officials of the Township of Ocean and what settlements have been proposed by the parties. After discussion, further negotiations need to be conducted, as some of the proposed settlements were not satisfactory to the Township Council. Mr. Brannen will relay this information to Stephen Dratch, Esq. Further discussion will be held once additional information is obtained regarding the settlements in question.

**Subject:** Contract – PBA/SOA/Local 701/Local 77

**Action:** Andrew Brannen, Township Manager, discussed the outstanding issues related to the various bargaining units for the Township. Mr. Brannen will keep everyone informed of any updates.

Respectfully submitted,

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Vincent Buttiglieri, RMC/CMC  
Township Clerk