

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

MAY 16, 2012

OAKHURST, NEW JERSEY

Present: Mayor Larkin
Deputy Mayor Siciliano
Councilmember(s) Schepiga

Absent: Councilmember(s) Evans and Garofalo
Andrew Brannen, Township Manager

Others: Martin Arbus, Esq., Township Attorney
Vincent Buttiglieri, Township Clerk

Subject: Litigation - COAH

Action: Martin Arbus, Township Attorney, reported the following:

- Roosevelt Properties has not responded to the Township's proposal of 24 units on the site.
- There is a proposal causes a reduction in the size of the detention basins. The Township will ask William Fitzgerald, Township Planner, to look at the proposal to determine feasibility.
- Jeffrey Surenian, Esq. believes the Township should request dismissal of this Builders Remedy lawsuit.
- Michael Steib, Esq. has been retained by the residents of the area to fight the proposed development.

Subject: Contract – Purchase/Sale of Real Property

Action: Mr. Arbus explained that 20-year affordable provision is about to expire. Whalepond Village had an original asking price of \$7,000,000. The Township has 90 days to decide whether it wishes to purchase the property and then has 120 days to close the deal.

On April 26, 2012, Whalepond Village made an additional proposal increasing the sale price to \$7,250,000. Mr. Arbus believes that this asking price change may create potential litigation and may buy the Township additional time to make a decision with regard to purchasing the property.

Mr. Arbus does not believe that the Township will be able to finalize any deal within the required timeframe due to the fact that the Township cannot secure funding from either the State or any other means.

Mr. Arbus will set up a meeting with all appropriate parties to convince them it would be better to keep the units affordable. Further discussions will be held.

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk