

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

NOVEMBER 7, 2011

OAKHURST, NEW JERSEY

Present: Mayor Larkin
Councilmember(s) Evans, Garofalo, Schepiga

Absent: Deputy Mayor Siciliano

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

Subject: Litigation – COAH (C1)

Action: Andrew Brannen, Township Manager, and Martin Arbus, Township Attorney, discussed as follows:

- The next hearing is scheduled for January 12, 2012 and January 13, 2012 before Judge Kapalko. Jeffrey Surenian, Esq., the Township's COAH Attorney, has requested that this meeting be a Case Management Hearing as negotiations continue with both litigants.
- Discussion occurred with regard to the possibility that if given the right density, would BVB be willing to settle this matter. Pros and cons were discussed with both options. Both the Township and litigant's appraisal should be completed in the near future.
Mr. Arbus believes that BVB will discount the appraisal based on flooding issues tat surround the property.
- Roosevelt Properties wrote to the court stating that the Township has failed to negotiate in good faith.

Subject: Litigation – Stop & Shop

Action: Mr. Arbus reported that all parties have agreed to dismiss this litigation "without prejudice". However, the litigant has the opportunity to re-institute this suit anytime prior to March 1, 2013.

Mr. Arbus state that there is a provision in this agreement that stipulates that if the Township wishes to change the zone of the site in question, they must give at least 30-days notice.

Mr. Arbus will inform the attorney for Stop & Shop that the Council is in favor of ratifying said agreement. A resolution will be needed at a subsequent meeting to formalize this settlement.

Subject: Contract – PBA/ Local 701

Action: Mr. Brannen reported that negotiations have commenced with the PBA and he anticipates a less hostile negotiation this time around. Discussion occurred regarding what appear to be the main items of contention.

With regard to Local 701, Mr. Brannen stated that the contract expired in 2009 and they can anticipate salary adjustments in line with the current appropriations CAP.

Subject: Litigation – Synagogue of Oakhurst

Action: Mr. Arbus reported that an agreement has been reached with the Synagogue, pending Council approval, by where the taxes paid in 2009, 2010 and 2011 will be refunded to the Synagogue. They will not receive a refund from 2007 and 2008.

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk