

Approved, August 11, 2020
Municipal Building-Virtual
Park Ridge, NJ
July 21, 2020 – 6:00 P.M.

A SPECIAL (held Virtually) Meeting of the Mayor and Council of the Borough of Park Ridge was called to order at the above time, place and date.

Special COAH Attorney, Scott Reynolds, led those attending in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: Councilmember Metzdorf, Councilmember Epstein, Councilmember Capilli, Councilmember Ferguson, Councilmember Farinaro, Council President Mintz, Mayor Misciagna

Also Present: Anthony S. Bocchi, Attorney
Julie Falkenstern, Borough Administrator
Magdalena Giandomenico, Borough Clerk
Scott Reynolds, Esq., Special COAH Attorney
Joe Burgis, Borough Planner,
Erin Yoeli, Esq

Mayor Misciagna reads Compliance Statement, as required by Open Public Meetings Act, P.L. 1975, Chapter 231.

The Notice for the Special Work and Closed Session Mayor & Council Meeting of Tuesday, July 21, 2020, as required by Section 3(D) of the Open Public Meetings Act has been provided by:

1. On July 17, 2020 posting the same on the Municipal Bulletin Board;
2. Faxing Notice of this meeting to The Record, Community Life, The Pascack Press and Ridgewood News.
3. Filing a copy of this Notice in the office of the Borough Clerk.

Public Hearing

Mayor Misciagna asks if anyone present wishes to be heard on any matter.
Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Speaker #1: David O’Sullivan, 252 Capri, Mr. O’Sullivan thanked Scott Reynolds, Esq. for all of the work leading up to this point and the Mayor and Council, he asked if we have the right to appeal any of the motions. Reynolds, Esq. stated that we can not file an appeal during the trial, they are usually filed after the completion and when a decision is rendered. The Borough will have 45 days to file an appeal on any of the motions that were decided on since 2015 pertaining to the matter.

Mayor Misciagna asks for a motion to go into Closed Session to discuss matters pertaining to Affordable Housing

A motion was made by Councilmember Metzdorf and seconded by Councilmember Epstein to confirm.

AYES: Councilmember Metzdorf, Councilmember Epstein, Councilmember Capilli, Councilmember Ferguson, Councilmember Farinaro, Council President Mintz

Clerk Reads:

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Matters Relating to Litigation, Negotiations and the Attorney- Client Privilege, including any pending or anticipated litigation. The specific matter involves the following; Affordable Housing Litigation

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.
Mayor Misciagna asks for a motion to return to Open Session

A motion was made by Councilmember Metzdorf and seconded by Councilmember Epstein to confirm.

AYES: Councilmember Metzdorf, Councilmember Epstein, Councilmember Capilli, Councilmember Ferguson, Councilmember Farinaro, Council President Mintz

PUBLIC PRIVILEGE OF THE FLOOR:

Mayor Misciagna asks if anyone present wishes to be heard on any matter.

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Speaker #1: Mike Olehan, Pascack Press, asked about what was discussed in the closed session. Mayor Misciagna stated that the closed discussion contains matters relating to litigation which are attorney-client privileged, the specific matter included the Borough’s affordable housing litigation. The deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality. The Mayor also stated that as it stands, we are prepared and planning to go to trial this upcoming Monday, as scheduled, unless the court reschedules. The Borough has the right to appeal the Judges only motion of denial, to remove the Special Master if the Borough wants to down the line and we reserve our right to do so. Scott Reynolds, Esq. stated that we will be requesting public access to the trial so those who wish to listen may do so.

Speaker #2: William Fenwick – 5 Mae Court: Mr. Fenwick stated that he checked ECourts in the afternoon and did not see anything from Judge Padovano regarding a ruling on the other motions and oral arguments that he has heard, has the town received anything? Mayor Misciagna stated we have not received any other decisions from the Court.

Mayor Misciagna: Mayor noted there was only one Resolution on the Agenda and asked for a Motion to Approve Resolution No. 020-158:

A motion was made by Councilmember Metzdorf and seconded by Councilmember Epstein to confirm.

RESOLUTIONS:

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 020-158**

A RESOLUTION OF THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH BEAR’S NEST DEVELOPERS, LLC

WHEREAS, the Borough of Park Ridge (the “Borough”) filed a Complaint seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1987, N.J.S.A. 52:27D-301 et seq., in accordance with In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), and bearing Docket No. BER-L-6030-15; and

WHEREAS, in connection with said litigation, and in furtherance of its effort to obtain its Third Round Substantive Certification from the Court and in order to demonstrate that it complies with its fair share housing obligation, the Borough entered negotiations with Defendant-Intervenor Bears Nest Developers, LLC in connection with the development of Block 206, Lots 1 and 2, located in the Borough of Park Ridge, commonly known as 2 Spring Valley Road, Park Ridge, New Jersey 07656; and

WHEREAS, the Borough has negotiated a partial settlement agreement (the Partial Settlement Agreement”) with Defendant-Intervenor, Bear’s Nest Developers, LLC, in its effort to seek approval from the Court that the Borough’s plan is fair and compliant with its Third Round affordable housing obligations; and

WHEREAS, the purpose of the Partial Settlement Agreement with Defendant-Intervenor, Bear’s Nest Developers, LLC, is (a) to create a realistic opportunity for the development of fifty (50) affordable rental units prior to December 31, 2024; (b) to control the development of Block 206, Lots 1 and 2, located in the Borough of Park Ridge, commonly known as 2 Spring Valley Road, Park Ridge, New Jersey 07656; and (c) to resolve all issues between the Borough and Defendant-Intervenor Bears Nest Developers, LLC; and

WHEREAS, the significance of the Partial Settlement Agreement with Defendant-Intervenor, Bear’s Nest Developers, LLC, is that it will support the Borough’s application for approval of its Third Round Affordable Housing Plan; and

WHEREAS, the Special Counsel who currently handles the Borough’s Fair Share Affordable Housing litigation recommends Borough’s execution of the Partial Settlement Agreement with Defendant-Intervenor, Bear’s Nest Developers, LLC; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Committee of the Borough of Park Ridge, in the County of Bergen and State of New Jersey, that the Mayor is hereby authorized to execute the Partial Settlement Agreement with Defendant-Intervenor, Bear’s Nest Developers, LLC.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign amendments to the Settlement Agreement as long as such amendments do not materially change the Settlement Agreement.

ADJOURNMENT: A motion was made by Councilmember Epstein and seconded by Councilmember Metzdorf to adjourn the SPECIAL Mayor and Council Meeting. **Meeting adjourned at 8:15 P.M.**

Respectfully submitted,



Magdalena Giandomenico
Borough Clerk