

**PARK RIDGE MAYOR & COUNCIL MEETING
SPECIAL MEETING
September 17, 2020
5:00 P.M.**

Mayor Misciagna calls meeting to order at:

Pledge of Allegiance to the Flag

ROLL CALL:

Present: Councilmembers Capilli, Epstein, Farinaro, Ferguson, Metzdorf, Mintz and Mayor Misciagna

Absent:

Also Present: Julie Falkenstern, BA
Magdalena Giandomenico, Borough Clerk
Scott Reynolds, Esq. Borough Affordable Housing Attorney
Anthony Bocchi, Esq. Borough Attorney
Joe Burgis, Borough Affordable Housing Planner & Planner
Robyn Welch, Burgis Associate

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

Thee Notice for the Special Work and Closed Session Mayor & Council Meeting of Monday, October 5, 2020, as required by Section 3(D) of the Open Public Meetings Act has been provided by:

1. On October 1, 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.

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

A motion was made by Councilwoman Epstein and seconded by Councilman Farinaro to confirm. All in favor, Councilman Capilli absent.

Clerk Giandomenico Read:

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 Councilman Metzdorf and seconded by Councilman Mintz to confirm. All in favor, Councilman Capilli absent.

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.

Ron Vradenburg : Can we get an update?

Scott Reynolds: Today I made an appearance and argument on a motion and the Judge made a decision on that and another motion ruling that the Borough cannot use some 60 exhibits and they are no longer admissible. Based on this and belief and not necessarily a fact, the loss of immunity is imminent. In

closed we discussed terms of potential settlement based on the judgements today. We are concerned about the ramification of loss of immunity.

Ron Vradenburg: To clarify, the Judge basically said the evidence we had that shows we met our obligation is no longer admissible in Court?

Mayor Miciagna: A lot of it.

Bocchi: A motion was made by fairshare to suppress certain evidence not all of it. Ultimately Judge granted that motion. In addition, the Borough filed a motion regarding the recent transfer of interest between the Hornrock entity and new owners, in respect of that motion, it was procedural, the Court ultimately granted the cross motion. With respect to the pending immunity motion, it is still pending, there is a chance it can be granted or denied. The Judge made some comments, but I was not there. Trial is set to commence on Tuesday. Council has now authorized me to reach out and discuss potential settlement terms with new developers of the Sony site. We can not get into the. If the Council were to reach an agreement that would be voted on in public and the public would have the opportunity to ask questions on it, but we are not there.

Ron Vradenburg: Basically, our recent project was kneecapped.

O'Sullivan: Scott can you speak as to what evidence was suppressed?

Reynolds: One of the main pieces that was stricken was the settlement agreement with Bears Nest Developer. That document is Borough's proof to build 100% affordable project. We can not proof the existence of that project, our ability to demonstrate we have a compliant plan essentially evaporated.

O'Sullivan: Does the Bears Nest developer not plan on moving forward with all affordable project?

Mayor Misciagna: There is no reason for us to believe that project will not happen. Nothing has changed, other than the Judge rules that was not admissible.

Emily: Do we have a good case considering the Judge decided to obstruct the main points we are going on? Do we even have an arm to stand on?

Bocchi: As of right now the trial is scheduled for this upcoming Tuesday, October 22, 2020. The Borough will do what it can before the court considering the new developments. We will not comment how we feel about the case few days before trial and comment about ongoing litigation.

O'Sullivan: How can the public participate?

Scott Reynolds: Information will be made available how to tune in in the following days, the zoom information.

Mayor Misciagna asks for a motion for adjournment at 10:03pm

A motion was made by Councilman Metzdorf and seconded by Councilwoman Epstein to confirm. All in favor, Councilman Capilli absent.