

A **REGULAR** Meeting of The Mayor And Borough Council of The Borough Of Glen Ridge was held on Monday, April 24, 2017 in the Council Chamber of The Municipal Building, Glen Ridge, New Jersey at 7:30 p m.

Mayor Patrick led The Council and the citizens in attendance in a Salute to the Flag.

Mayor Patrick read a prepared statement that adequate notice of this meeting has been provided to the public as required by statutes.

Present: Mayor Patrick, Councilors Hughes, Lisovicz, Lefkovits, Murphy, and Morrow.

Absent: Councilor Dawson

The following Borough Officers were in attendance: Public Safety Director Byron - Lagattuta and Borough Attorney Malyska.

It was moved by Councilor Lisovicz, seconded by Councilor Hughes, that the Minutes Of The REGULAR Meeting of The Mayor And Borough Council of The Borough Of Glen Ridge that was held on Monday, April 10, 2017 be approved as submitted. The Motion was adopted by an aye and no vote. Councilors Hughes, Lisovicz, Lefkovits, Murphy, and Morrow voting aye and noes none.

Municipal Clerk Rohal presented the following written communications:

A letter to Administrator Rohal from Timothy Stafford, Acting Manager of The Township Of Montclair consenting on behalf of the Township of the enforcement of any ordinance regulating persons from bringing dogs or other domestic animals, other than service dogs, onto the Montclair owned property, also known as George Washington Field. Mayor Patrick ordered that the correspondence be filed.

A list of upcoming events from the Office of the County Executive, dates for the specific events are available on the Borough website. Mayor Patrick ordered that the correspondence be filed.

A letter from the Essex County Department of Public Works with a packet containing important mosquito control information. Mayor Patrick ordered that the correspondence be filed.

Mayor Patrick suspended the regular order of business for a detailed discussion with court Appointed Special Master Elizabeth McKenzie with regards to the Builders Remedy Law Suit. Mayor Patrick stated the following:

"Tonight Glen Ridge again welcomes Elizabeth McKenzie. Betsy is the court-appointed Special Master in the builder's remedy lawsuit brought against Glen Ridge by Glen Ridge Developers, whose principal is Joseph Forgione. That action began in July 2015 and is now pending before the New Jersey Superior Court.

In its lawsuit, Glen Ridge Developers seeks to build 125 housing units on the approximately 2.2 contiguous acres known as 273-275-277-283 and

289 Baldwin Street. Of the 125 proposed units (each of undisclosed size), 19 would qualify as affordable housing. These Baldwin Street properties are all single family dwelling units and are not zoned for multi-family use. As part of its acquiring title to these properties, Glen Ridge Developers seeks to assemble and consolidate them into one 2.2 acre parcel, thereby "creating" and making land available for a mix of market rate and affordable housing.

Glen Ridge has always acknowledged its constitutional obligation to provide its fair share of housing which is affordable to low and moderate income households. Glen Ridge opposed the project proposed by Glen Ridge Developers largely because of its size and lack of detail. Cognizant of Glen Ridge's opposition, the court appointed Betsy as Special Master to review the positions of Glen Ridge Developers and Glen Ridge and also to assist in the determination of Glen Ridge's regional "fair share" of affordable housing (which is itself the subject of a larger matter involving other suburban Essex County municipalities) and to report her findings and her recommendations to the court.

As the public may recall, Betsy previously appeared before the Glen Ridge public on December 12, 2016. At that time she discussed the general impact that New Jersey's affordable housing mandate has had on the Glen Ridge community as well as the specific impact which the builder's remedy litigation has on Glen Ridge.

Historically, Glen Ridge has had no vacant land available for the construction and development of affordably priced housing units. The pendency of the builder's remedy proceeding has changed that. By assembling and consolidating the Baldwin Street properties into one 2.2 acre parcel, land has been "created" and made available for a mix of market rate and affordable housing. Because that land had not been previously available for this purpose, a changed circumstance has arisen and this directly affects Glen Ridge's affordable housing obligation. If Glen Ridge does not resolve its issues with Glen Ridge Developers and allow a project which includes an affordable housing component on the Baldwin Street site, the court can change the character of the Baldwin Street residential properties notwithstanding their classification as residential zone and notwithstanding any objection of the Mayor and Council.

Municipalities that fight builder's remedy lawsuits run the risk (and suffer the monetary and societal consequences) of protracted and costly litigation, fee-shifting in which the affected municipality may be ordered to bear all costs of the litigation (regardless whether such costs were incurred by the developer or by the municipality), court orders mandating the construction of projects larger than what could have been negotiated, and the commencement of additional builder's remedy lawsuits if total affordable housing needs remain unmet despite the construction of the project being litigated.

The Special Master has already cautioned that if either the builder's remedy litigation or the larger Essex County consolidated proceeding is determined adversely to Glen Ridge, the following adverse consequences could occur:

(1) The court could impose a high affordable housing obligation on Glen Ridge resulting in a project larger than one on which the developer is willing to settle and without the quality controls that Glen Ridge could extract from a negotiated settlement.

(2) Fee-shifting could be imposed upon Glen Ridge, resulting in Glen Ridge's bearing all costs of the litigation, regardless whether such costs were incurred by Glen Ridge Developers or by Glen Ridge.

(3) Because it has unmet need, Glen Ridge could be exposed to building remedy lawsuits brought by other developers who "create" land in Glen Ridge by the buying and consolidation of lots and property. To this end, Glen Ridge has been working with the Special Master to negotiate a settlement of the builder's remedy lawsuit with respect to the Baldwin Street properties and also to negotiate a settlement of the larger consolidated Essex County proceeding with respect to Glen Ridge's present and future regional "fair share" affordable housing obligations. The goal is to prepare a "constitutionally compliant" affordable housing plan approved by the Special Master and acceptable to affordable housing advocate Fair Share Housing Center. Fair Share Housing Center's consent is also a requirement for any resolution of the affordable housing component of builder's remedy lawsuit, even if such resolution is otherwise satisfactory to Glen Ridge Developers.

Tonight, the Special Master will address the public as to the parameters of the agreement which is being negotiated by Glen Ridge and Glen Ridge Developers. The Special Master has been involved with and participated in all aspects of the negotiations.

The topics which Glen Ridge and Glen Ridge Developers have discussed and on which they have tentatively agreed as a result of the mediation process are as follows (these items would be embodied into a settlement agreement):

(1) The size of the project would be fixed at 98, rather than the 125 which Glen Ridge Developers originally sought.

(2) The "mix" of the proposed 98 units would be as follows:

(a) There would be 83 market rate units.

(b) At least 42 of the market rate units would be 1-bedroom units.

(c) No more than 41 of the market rate units would be 2-bedroom units.

(d) No market rate unit would have 3 or more bedrooms.

(e) There would be 15 affordable housing units, of which 3 would be 1-bedroom, 9 would be 2-bedroom and 3 would be 3-bedroom and all of which would comply with accepted Uniform Housing Affordability Controls standards.

(3) As it relates to any 1-bedroom units with dens and/or 2-bedroom units with dens and/or 3-bedroom units with dens, restrictions would be put into place which would prevent these dens from being used as a bedroom.

(4) The "height" of the project, including the parking structure, would not exceed 41 feet from mean natural grade.

(5) There would be a minimum of 188 parking spaces as determined by reference to RSI requirements: 1.8 spaces for each 1-bedroom unit, 2.0 spaces for each 2-bedroom unit, and 2.1 spaces for each 3 bedroom unit.

(6) No front yard parking would be allowed.

(7) The view of the parking structure and parapet would be masked from the street by the creation of an approximately 4,000 square foot +/- lobby amenity.

(8) The ingress/egress point would be at a point as far south as possible from the Highland Avenue bridge intersection.

(9) A "park-like" open-space area would be created on the northeast side of the project to minimize conflict with the Highland Avenue bridge intersection.

(10) The project's "massing" would be mitigated by the aforesaid "park-like" open-space area on the northeast side of the Baldwin Street Properties.

(11) The front yard setback would be 30 feet.

(12) Design (but not project approval) would be coordinated with Glen Ridge's Historic Preservation Committee.

(13) "Good Neighbor" policies (e.g., scheduling days and times of garbage collection, recycling collection, lawn mowing, leaf blowing, shrubbery planting/trimming and outside building repair

and maintenance) would be practiced with respect to neighboring "head start" school and Washington athletic field and other neighbors.

- (14) The project would be designed and constructed and maintained in a manner to achieve accreditation as "Well Certified".

Glen Ridge is unsure how the court would resolve the builder's remedy lawsuit or determine a compliant "fair share" housing plan for Glen Ridge for the period from 1999 to 2015 and thereafter to 2025, including the actual number of affordable housing and market units that Glen Ridge would be "charged" to build. A resolution of the builder's remedy proceeding, coupled with a resolution of "fair share" claims of Fair Share Housing Center with respect to Glen Ridge, would curtail the ongoing cost of litigation, allow Glen Ridge input into the development of Baldwin Street, and would provide Glen Ridge with a 10-year moratorium against future litigation over this issue. During that time, the New Jersey courts and the New Jersey legislature might be able to better address this statewide issue. Last, but of course not least, as a responsible member of the Essex County and New Jersey communities, Glen Ridge would be fulfilling its constitutional obligation to provide its fair share of affordable housing to those who need it.

It is Glen Ridge's goal to continue to work cooperatively with the Special Master to develop a settlement that, as best as possible, maintains the current quality of life in Glen Ridge while also recognizing that the building of affordable housing is a mandate that Glen Ridge must in some fashion embrace, plan for and realize in some capacity.

As the Mayor and Council weigh these options, we are of the belief that a negotiated resolution presents the best solution for Glen Ridge. Lastly, we recognize that changed circumstances have arisen in that (i) Glen Ridge Developers has in fact acquired or controls title to all 5 properties on which the project will be built, (ii) all such properties are now or soon will be vacant and (iii) representations have been made that applications will be filed for the demolition of at least 4 buildings. In recognition of the foregoing, the project may now constitute an area in need of redevelopment. Glen Ridge and Glen Ridge Developers will pursue this possibility as part of ongoing negotiations. We now welcome the Special Master to address the public and we acknowledge and appreciate her efforts to date."

Ms. McKenzie approached the council and the members of the public and reviewed specifics about the progress of the lawsuit and fielded questions and comments from the council and public. Ms. McKenzie stated there will be some school age children moving into the development but

there are specific mandates on maximum occupancy per unit that will help regulate the burden on the schools. She noted that the building is located within the Historic District and will need to go before the commission for final approval and that a great deal of discussion has gone into the building design, materials, and setbacks throughout the negotiations. After a detailed discussion and seeing there was no further public comments Ms. McKenzie thanked the council and members of the public for their time and cooperation.

Mayor Patrick called for comments of the public specifically for comments on the Welcoming City resolution. Ms. Pamela Foster approached the council and expressed thanks on behalf of the petitioners for taking this resolution into consideration. She briefly spoke about the resolution specifics with the council directly. Councilors Morrow and Lisovicz thanked the petitioners for bringing this issue forth and working hard to see it come to fruition.

The following was introduced by Councilor Lisovicz, seconded by Councilor Lefkovits and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy, Morrow and Mayor Patrick voting aye and noes none:

(Resolution No. **66** - 17)

WELCOMING CITY - DESIGNATION

(See Resolution Book No. 20 - Page No. 20 - 73 & 73B)

Mayor Patrick called for comments of the public. Peter Seymour, of 6 Mead Terrace presented the council with a study on Truncated Domes and their effect on the blind community.

George Stafford, of NJ Highlands Coalition approached the council to present two sample resolutions, with regards to the New Jersey State Water Plan and a Keep it Green Open Space resolution for the council to consider for adoption in Glen Ridge.

The following was introduced by Councilor Hughes, seconded by Councilor Lisovicz and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy, and Morrow voting aye and noes none:

(Resolution No. **63** - 17)

CLAIMS - APPROVAL OF

(See Resolution Book No. 20 - Page No. 20 - 70)

Mayor Patrick suspended the Regular Order Of Business to accommodate a budget amendment hearing on the 2017 Municipal Budget. (9:08 p.m.)

Municipal Clerk Rohal read the following statement:

Mayor, this is the time for the public hearing on the Municipal Budget Amendment for 2017. The amendment was advertised, as required, on April 13, 2017, together with notice of hearing for this time. Printed copies have been made available to the public. A supply is here for anyone desiring a copy. Anyone who has not secured a copy of the Budget Amendment may now do so. Clerk Rohal also summarized the budget amendment being presented.

Mayor Patrick stated the following:

Before opening this hearing I wish to outline the procedure. Each person desiring to be heard will rise and give his or her name and address before speaking. I will recognize one speaker at a time, in order of rising, as nearly as I can determine. Address all questions to the Chair; where necessary they will be referred to individual members of the Borough Council, Municipal Officials or our advisors. Questions must be confined solely to the municipal budget amendment before us; school or county matters are not proper subjects of this hearing and cannot be discussed or answered here tonight. I now declare open the public hearing on the Municipal Budget Amendment for 2017. Observing no applicants from the floor, I will entertain a motion to close the hearing.

A motion to close the budget amendment hearing was introduced by Councilor Lisovicz, seconded by Councilor Hughes and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy and Morrow voting aye and noes none.

The following was introduced by Councilor Hughes, seconded by Councilor Lisovicz and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Murphy and Morrow voting aye, and noes none:

(Resolution No. 64 - 17)

BUDGET AMENDMENT - AUTHORIZING

(See Resolution Book No. 20 - Page No. 20 - 71 & 71B)

The following was introduced by Councilor Hughes, seconded by Councilor Lisovicz and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Murphy and Morrow voting aye, and noes none:

(Resolution No. 65 - 17)

BUDGET ADOPTION - AUTHORIZING

(See Resolution Book No. 20 - Page No. 20 - 72)

Councilor Lisovicz reported that he has Ordinance No. 1660 entitled:

**AN ORDINANCE TO AMEND CHAPTER 10.32
PARKING RESTRICTIONS ON DESIGNATED STREETS**

for introduction. The Ordinance title was read by Councilor Lisovicz. It was moved by Councilor Lisovicz, seconded by Councilor Murphy that Ordinance No. **1660** be passed on first reading. The Motion was adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy and Morrow voting aye and noes none. Mayor Patrick referred the Ordinance to Municipal Clerk Rohal for the purposes of statutory publication and posting.

The following was introduced by Councilor Lefkovits, seconded by Councilor Lisovicz and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy and Morrow voting aye and noes none: (Resolution No. **67 - 17**)

NJ STATE LEGISLATION - ADOPTING

(See Resolution Book No. 20 - Page No. 20 - 74)

The following was introduced by Councilor Lefkovits, seconded by Councilor Lisovicz and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy and Morrow voting aye and noes none: (Resolution No. **68 - 17**)

NJ ASSEMBLY LEGISLATION - ADOPTING

(See Resolution Book No. 20 - Page No. 20 - 75)

Councilor Murphy reported that he has Ordinance No. **1661** entitled:

**AN ORDINANCE TO AMEND CHAPTER 12
STREETS, SIDEWALKS AND PUBLIC PLACES
IN THE BOROUGH OF GLEN RIDGE**

for introduction. The Ordinance title was read by Councilor Lisovicz. It was moved by Councilor Murphy, seconded by Councilor Morrow that Ordinance No. **1661** be passed on first reading. The Motion was adopted by an aye and no vote; Councilors Hughes, Lisovicz, Lefkovits, Murphy and Morrow voting aye and noes none. Mayor Patrick referred the Ordinance to Municipal Clerk Rohal for the purposes of statutory publication and posting.

The following was introduced by Councilor Murphy, seconded by Councilor Morrow and adopted by an aye and no vote; Councilors Hughes, Lisovicz, Murphy and Morrow voting aye, and noes none:

(Resolution No. **69 - 17**)

APPOINTMENT - HISTORIC PRESERVATION COMMISSION

(See Resolution Book No. 20 - Page No. 20 - 76)

Councilor Murphy reported the 2017 Easter Egg Hunt at Carteret Park was a huge success. He also stated that online registration for the Community Pool, Summer Day Camp, and Freeman Tennis courts is now open. Links to registration are posted on the Borough website at

www.glenridgenj.org. He reported that the Glen Ridge Recreation Department and the Gold Circle will be hosting a bus trip to Penn's Peak & Gym in Pennsylvania, the cost is \$55.00 per person which includes a family style meal and entertainment. For more information on the trip please contact Jim Cowan in the Recreation Department. With regret Councilor Murphy reported the sudden passing of Tom Fleming, two time winner of the NYC Marathon and namesake of the Tom Fleming Mile Run held in Glen Ridge every Thanksgiving in conjunction with the Ashenfelter 8K. Tom was an avid runner who was beloved and admired throughout the community who will be sorely missed.

Borough Administrator Rohal reported that the Kiwanis Club will be holding their semi-annual collection day on Saturday, April 29th in the Glen Ridge High School Parking Lot from 8:30 AM to 12:30 PM. The Glen Ridge Library will also be holding their annual shredding day from 9:00 AM to 1:00 PM. The Glen Ridge Rotary will be holding their annual BBQ on Thursday May 4, 2017, all proceeds will benefit the Glen Ridge High School Scholarship Program.

Mayor Patrick called for comments of the public. No comments were made at this time.

It was moved by Councilor Morrow, seconded by Councilor Lisovicz that this meeting be adjourned. The Motion was adopted by an aye and no vote; Councilors Hughes, Lisovicz, Murphy and Morrow voting aye, Lefkovits abstaining and noes none.

Mayor Patrick declared that this meeting is hereby adjourned.

The Council adjourned at 9:22 P.M.

Michael J. Rohal

Michael J. Rohal,
Municipal Clerk