

**SYNOPSIS OF APRIL 19, 2010 FINAL JUDGMENT OF REPOSE HEARING
IN THE MATTER OF ROSELLE PARK VP, LLC V. THE BOROUGH OF ROSELLE PARK**

Michael Jedziniak from the law offices of Surenian & Associates represented the Borough of Roselle Park. He had two witnesses scheduled to testify on the matter: Janice Talley from H2M Associates and Elizabeth McKenzie from Elizabeth C. McKenzie, PP, PA.

Robert Kasuba, from the law offices of Sills, Cummis & Gross, represented AvalonBay Communities. He had no witnesses.

Ms. Talley testified on the 12 conditions that were ordered on March 3, 2010 by the Court as part of the Conditional Judgment Of Repose that had to be satisfied by the Borough before April 14, 2010. She testified as to how the Borough satisfied all 12 conditions. The only conditions of note were the following:

Condition C - This condition had to include mention of the Catholic Charities senior housing site with the stipulation that it is still in the discussion stages.

Condition E - Roselle Park needs to meet with Union County representatives within 45 days regarding the county's group home program because the county program uses deed restrictions that COAH would not deem to be acceptable for credits. The county would need to amend its program and its process to utilize deed restrictions that would ultimately qualify Roselle Park for rehabilitation credits.

Condition J - The Borough needs to have a fully-executed Affordable Housing Escrow Agreement. A resolution should be adopted by the Borough within the next 30 days which would be signed by the Borough and the Borough's bank.

Ms. Elizabeth McKenzie testified that she reviewed the documents and concurred that there were a few items that needed to be done within a short period of time but that these items always occur after the granting of a Final Judgment of Repose. A deadline of 45 days was recommended for any actions and the adoptions of any ordinance that were in the document. She testified that within 45 days there should be some resolution of the issue regarding whether Union County was going to make any steps to amend its Rehabilitation Program. If it appeared to be a waste of time, then within those same 45 days, the Borough would have to amend its Rehabilitation Program so that it can increase its coverage. The Borough would also need to amend its Spending Plan accordingly to cover the additional units.

Judge Chrystal granted the Judgment of Compliance and Repose and she granted the implementation of a final order. 45 days were recommended for adoption of zoning changes by the Municipal Housing Liaison that would ensure the town to follow through on its obligation. She also granted the request of Mr. Jedziniak on behalf of Roselle Park to not consider the order 'Conditional' but 'Final'. Once she signed the order, the case would be dismissed with prejudice. If there has to be a Motion For Compliance, that it could be done under the same docket number.