

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
UNION CITY REDEVELOPMENT
AGENCY

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
: _____
:

City Hall, 4th Floor
3715 Palisade Avenue
Union City, New Jersey

January 16, 2013
Commencing at 6:04 p.m.

M E M B E R S P R E S E N T:

VINCENT BONITO, COMMISSIONER
EVA FESTA, COMMISSIONER
JOHNNY GARCES, COMMISSIONER
RAFAEL NOVA, COMMISSIONER
CARLOS VALLEJO, COMMISSIONER, (Arrived at 6:07 p.m.)

M E M B E R S A B S E N T:

JOHAN PATERNINA, COMMISSIONER
LUCIO FERNANDEZ, CHAIRMAN

A L S O P R E S E N T:

BRENDA G. COX, ASSISTANT SECRETARY TO THE BOARD
KENNEDY NG, EXECUTIVE DIRECTOR, (Left at 6:12 p.m.)
FLORIO & KENNY, LLP
BY: DAVID J. YANOTCHKO, ESQ.
Board Attorney

I N D E X

	<u>PAGE</u>
CALL TO ORDER	3
SALUTE TO FLAG	3
ROLL CALL	4
APPROVAL OF MINUTES	22
RESOLUTION ESTABLISHING ANNUAL MEETING DATES	5
RESOLUTION DESIGNATING OFFICIAL NEWSPAPER	7
RESOLUTION TO APPOINT ASSISTANT SECRETARY	9
RESOLUTION TO APPOINT FINANCIAL CONSULTANT/ BOOKKEEPER FOR 2013	11
RESOLUTION TO APPOINT LEGAL COUNSEL FOR 2013	14
RESOLUTION TO APPOINT AUDITING FIRM FOR 2013	16
APPROVAL AND RATIFICATION OF PRIOR PAYMENT OF CLAIMS	18
APPROVAL PAYMENT OF BILLS AND PREPARATION OF CHECKS	18
REPORT ON STATUS OF PROJECTS	20
PUBLIC COMMENT	21
ADJOURNMENT	24

1 THE ASSISTANT SECRETARY: Okay, may I have
2 your attention?

3 We're going to call to order a Regular
4 Public Meeting of the City of Union City's
5 Redevelopment Agency.

6 This meeting has been called and scheduled
7 for today, Tuesday, -- rather, Wednesday, January
8 16th, 2013 at six p.m.

9 This is a meeting called in compliance with
10 Chapter 231, Public Law 1975 of the Open Public
11 Meeting Act.

12 Adequate notice of the meeting has been
13 provided setting forth the date, time and
14 location of the meeting.

15 Notice of the agenda to the extent known
16 was forwarded to The Jersey Journal, The Record
17 and The Hudson Reporter and was posted on our
18 bulletin board and kept on file in the office of
19 the Municipal Clerk.

20 Before we roll call for this evening's
21 meeting, will everyone kindly rise so that we can
22 salute the flag?

23

24 (Whereupon, the Pledge of Allegiance was
25 said by all.)

1

2 THE ASSISTANT SECRETARY: Thank you, guys.

3

4 **ROLL CALL:**

5

6 THE ASSISTANT SECRETARY: I'm going to roll
7 call.

8 Lucio Fernandez?

9 MR. NG: He just call me that he couldn't
10 make it. He has an emergency.

11 THE ASSISTANT SECRETARY: Okay.

12 Eva Festa?

13 COMMISSIONER FESTA: Here.

14 THE ASSISTANT SECRETARY: Johnny Garces?

15 COMMISSIONER GARCES: Here.

16 THE ASSISTANT SECRETARY: Rafael Nova?

17 COMMISSIONER NOVA: Here.

18 THE ASSISTANT SECRETARY: Johan Paternina
19 will not be here.

20 Vincent Bonito?

21 COMMISSIONER BONITO: Here.

22 THE ASSISTANT SECRETARY: And Carlos
23 Vallejo; not here yet.

24 Let the record indicate that we have four
25 members present.

1 Those absent tonight would be Commissioner
2 Chairman Lucio Fernandez, Johan Paternina and
3 Carlos Vallejo.

4 So we have a Board that's comprised of four
5 members, which constitute a full legal quorum to
6 establish any decisions we make tonight.

7 Okay, I'm going to pass the agenda over to
8 counsel. Follow the order --

9 MR. YANOTCHKO: Okay.

10 THE ASSISTANT SECRETARY: -- on the agenda.

11 MR. YANOTCHKO: Thank you, Brenda.

12

13 **RESOLUTION ESTABLISHING ANNUAL MEETING DATES FOR**
14 **2013:**

15

16 MR. YANOTCHKO: The first item on the
17 agenda for Resolutions tonight is a Resolution
18 establishing the annual meeting dates for 2013.

19 This tonight's our organization meeting
20 going forward for 2013.

21 So if you turn to the second page of your
22 packet, that sets up our calendar for the year.
23 We're going to stick with Tuesday evenings at six
24 o'clock in the Court Chambers, except tonight
25 because there was a conflict and we have to be up

1 here today because we can't have this meeting at
2 the same time down in the Court Chambers as
3 they're proceeding with court.

4 So, if it meets with your approval, -- take
5 a quick look at it -- and if so we'll have a vote
6 onto approve the calendar and establish the
7 meeting dates.

8 THE ASSISTANT SECRETARY: Do I have a vote?

9 COMMISSIONER FESTA: Motion.

10 THE ASSISTANT SECRETARY: Motion by Eva
11 Festa.

12 Seconded by?

13 COMMISSIONER NOVA: Second. Second.

14 THE ASSISTANT SECRETARY: Seconded by
15 Rafael Nova.

16 Roll call.

17 Johnny Garces?

18 COMMISSIONER GARCES: Yes.

19 THE ASSISTANT SECRETARY: Rafael Nova?

20 COMMISSIONER NOVA: Yes.

21 THE ASSISTANT SECRETARY: Eva Marie Festa?

22 COMMISSIONER FESTA: Yes.

23 THE ASSISTANT SECRETARY: And Vincent
24 Bonito?

25 COMMISSIONER BONITO: Yes.

1 THE ASSISTANT SECRETARY: Okay.

2 Let the record show that the calendar for
3 fiscal year 2013 was approved.

4 So just everyone take a copy for their
5 records too, as back up.

6 Okay, moving on.

7 MR. YANOTCHKO: Exactly.

8

9 **RESOLUTION DESIGNATING OFFICIAL NEWSPAPER:**

10

11 MR. YANOTCHKO: Moving on to item number
12 four of the agenda, we have the Resolution that's
13 going to designate the official newspapers for
14 this year.

15 It's a designation we have -- we have to
16 make every year just for -- in terms of notice
17 for the Open Public Meetings Act.

18 COMMISSIONER VALLEJO: Good afternoon.

19

20 (Whereupon, Commissioner Vallejo arrived at
21 6:07 p.m.)

22

23 THE ASSISTANT SECRETARY: Let the record
24 show that Carlos Vallejo has joined the meeting.
25 And that will bring our quorum to five body.

1 Okay.

2 MR. YANOTCHKO: Thank you.

3 And so as part of the Agency's obligations
4 of, you know, providing advance notice for
5 meetings we have to set up a few newspapers of
6 record for the Agency.

7 And here we have the Resolution set up for
8 The Jersey Journal, as the first paper; The
9 Record, as our second; and The Hudson Reporter,
10 as our third.

11 So if this meets the approval, we will go
12 on to a vote --

13 THE ASSISTANT SECRETARY: Motion?

14 MR. YANOTCHKO: -- to designate these
15 papers.

16 THE ASSISTANT SECRETARY: Can I have a
17 motion?

18 COMMISSIONER FESTA: Motion.

19 THE ASSISTANT SECRETARY: Eva.

20 Seconded by?

21 COMMISSIONER NOVA: I second.

22 THE ASSISTANT SECRETARY: Seconded by
23 Rafael Nova.

24 Roll call.

25 Johnny Garces?

1 COMMISSIONER GARCES: Yes.

2 THE ASSISTANT SECRETARY: Rafael Nova?

3 COMMISSIONER NOVA: Yes.

4 THE ASSISTANT SECRETARY: Eva Festa?

5 COMMISSIONER FESTA: Yes.

6 THE ASSISTANT SECRETARY: Vincent Bonito?

7 COMMISSIONER BONITO: Yes.

8 THE ASSISTANT SECRETARY: And Carlos

9 Vallejo?

10 COMMISSIONER VALLEJO: Yes.

11 THE ASSISTANT SECRETARY: Okay, let the
12 record show that the Commissioners have voted to
13 accept the newspapers to publish our notices.

14 MR. YANOTCHKO: Thank you.

15

16 **RESOLUTION TO APPOINT ASSISTANT SECRETARY:**

17

18 MR. YANOTCHKO: We'll move on to number
19 five -- the number five agenda item correctly --
20 right now, which is the Resolution to appoint the
21 Assistant Secretary for the Agency.

22 Brenda Cox is qualified to serve as the
23 Assistant Secretary. It's a job she's served in
24 -- in this capacity for several years now. And
25 it's also resolved that the -- that Brenda will

1 receive an annual stipend, as -- as set forth in
2 the Resolution for this work.

3 And that is the -- the gist of our
4 Resolution to appoint the Assistant Secretary for
5 the --

6 THE ASSISTANT SECRETARY: Do I have --

7 MR. YANOTCHKO: -- following year.

8 THE ASSISTANT SECRETARY: -- motion?

9 COMMISSIONER VALLEJO: Motion.

10 COMMISSIONER FESTA: Motion.

11 THE ASSISTANT SECRETARY: Motion by Eva
12 Festa.

13 Seconded by?

14 COMMISSIONER VALLEJO: Carlos Vallejo.

15 THE ASSISTANT SECRETARY: Carlos Vallejo.

16 Roll call.

17 Johnny Garces?

18 COMMISSIONER GARCES: Yes.

19 THE ASSISTANT SECRETARY: Eva --
20 Rafael Nova?

21 COMMISSIONER NOVA: Yes.

22 THE ASSISTANT SECRETARY: Eva Festa?

23 COMMISSIONER FESTA: Yes.

24 THE ASSISTANT SECRETARY: Vincent Bonito?

25 COMMISSIONER BONITO: Yes.

1 THE ASSISTANT SECRETARY: And Carlos
2 Vallejo?

3 COMMISSIONER VALLEJO: Yes.

4 THE ASSISTANT SECRETARY: Let the record
5 show that the Commissioners have approved the
6 reappointment of Brenda Cox, Assistant Secretary
7 for the Board.

8 COMMISSIONER BONITO: Congratulations, Ms.
9 Cox.

10 THE ASSISTANT SECRETARY: Why thank you.

11 MR. YANOTCHKO: Yes, congratulations.

12 THE ASSISTANT SECRETARY: Okay.

13

14 **RESOLUTION TO APPOINT FINANCIAL**

15 **CONSULTANT/BOOKKEEPER FOR 2013:**

16

17 MR. YANOTCHKO: Now we're going to move on
18 to agenda item number 6.

19 This is the Resolution to appoint financial
20 consultant or bookkeeper for the period of the
21 2013 calendar year.

22 As the Agency does with its contracts, it's
23 -- what we have done is we requested
24 qualifications from providers of financial
25 services of accounting services for this role.

1 And those -- those -- you know, the advertisement
2 was posted for, you know, over ten days in
3 November and December. We had a chance to review
4 the qualifications submitted.

5 At this point the Agency is looking to
6 select Donohue, Girona and Doria, the certified
7 public accountants who've filled this capacity
8 before for the -- for this current year, for --
9 starting with January 1st up until the end of the
10 year.

11 And the amount of the contract at this
12 point is not to exceed 10,000, which was the same
13 amount in the budget as last year.

14 THE ASSISTANT SECRETARY: Okay.

15 Do I have a motion?

16 COMMISSIONER FESTA: Motion.

17 THE ASSISTANT SECRETARY: Motion by Eva
18 Festa.

19 Seconded --

20 COMMISSIONER NOVA: Second.

21 THE ASSISTANT SECRETARY: -- by Rafael
22 Nova.

23 Roll call for vote.

24 Johnny Garces?

25 COMMISSIONER GARCES: Yes.

1 THE ASSISTANT SECRETARY: Rafael Nova?

2 COMMISSIONER NOVA: Yes.

3 THE ASSISTANT SECRETARY: Eva Festa?

4 COMMISSIONER FESTA: Yes.

5 THE ASSISTANT SECRETARY: Vincent Bonito?

6 COMMISSIONER BONITO: Yes.

7 THE ASSISTANT SECRETARY: Carlos Vallejo?

8 COMMISSIONER VALLEJO: Yes.

9 THE ASSISTANT SECRETARY: Let the record
10 show that the Commissioners have voted to accept
11 the contract with Donohue and Girona that was
12 approved.

13 MR. NG: Before you continue, I really have
14 to go. I have a mandatory meeting that's very
15 important for the City.

16 You can -- you know, whatever conversation
17 we have in the morning if you want -- you inform
18 -- if you, for future developments and the status
19 of the high school, you know, the meeting that
20 we're going to have to regroup for, the fire
21 alarm CCO, --

22 MR. YANOTCHKO: Yes.

23 MR. NG: -- just inform a little bit your
24 concerns.

25 MR. YANOTCHKO: We'll -- we'll do so.

1 MR. NG: Okay.

2 MR. YANOTCHKO: Thank you.

3 COMMISSIONER FESTA: Bye, Kennedy.

4 MR. NG: All right.

5 THE ASSISTANT SECRETARY: And, just for the
6 record, I would route the documents --

7 Resolutions for your signature tomorrow --

8 MR. NG: Tomorrow morning.

9 THE ASSISTANT SECRETARY: -- to your
10 office.

11 MR. NG: Have a good night everybody.

12 THE ASSISTANT SECRETARY: Okay?

13 COMMISSIONER FESTA: Bye.

14 THE ASSISTANT SECRETARY: Very good.

15 Goodnight.

16 Okay.

17 We're on to seven.

18

19 (Whereupon, Kennedy Ng left the meeting at
20 6:12 p.m.)

21

22 **RESOLUTION TO APPOINT LEGAL COUNSEL FOR 2013:**

23

24 MR. YANOTCHKO: Okay, going back to agenda
25 item number seven.

1 This is a Resolution to hire a law firm to
2 serve as general counsel for the Agency for this
3 year.

4 Similar to the bookkeeping position, the
5 Agency authorized the submission of -- the
6 request for qualifications for legal counsel
7 posted between November and December.

8 And out of the, you know, responses that
9 were received the Agency's in favor of
10 authorizing the contract for Florio and Kenny to
11 serve as general counsel to the Agency for 2013.

12 The -- and the not to exceed amount and the
13 hourly rate is the same as last year's budget,
14 \$20,000.00 and \$150.00 an hour for the rate.

15 THE ASSISTANT SECRETARY: Okay.

16 Do I have a motion?

17 COMMISSIONER FESTA: Motion.

18 THE ASSISTANT SECRETARY: Motion by Eva
19 Festa.

20 Seconded by?

21 COMMISSIONER NOVA: I second.

22 THE ASSISTANT SECRETARY: Rafael Nova.

23 Roll call.

24 Johnny Garces?

25 COMMISSIONER GARCES: Yes.

1 THE ASSISTANT SECRETARY: Rafael Nova?

2 COMMISSIONER NOVA: Yes.

3 THE ASSISTANT SECRETARY: Eva Festa?

4 COMMISSIONER FESTA: Yes.

5 THE ASSISTANT SECRETARY: Vincent Bonito?

6 COMMISSIONER BONITO: Yes.

7 THE ASSISTANT SECRETARY: Carlos Vallejo?

8 COMMISSIONER VALLEJO: Yes.

9 THE ASSISTANT SECRETARY: Let the record
10 show that the Commissioners have voted to accept
11 the nomination of Kenny -- Florio and Kenny --

12 MR. YANOTCHKO: Florio and Kenny.

13 THE ASSISTANT SECRETARY: -- as the law
14 firm --

15 MR. YANOTCHKO: Thank you.

16

17 **RESOLUTION TO APPOINT AUDITING FIRM FOR 2013:**

18

19 MR. YANOTCHKO: And moving on to agenda
20 item number eight is the Resolution to appoint an
21 auditing firm for auditing and accounting
22 services during this year.

23 As you may know from prior years, every
24 year we have to submit an audit to the -- to the
25 State of New Jersey.

1 So, again, we requested qualifications,
2 you know, for over ten days.

3 And upon reviewing the qualifications
4 submitted, the firm Ferraioli, Liebowitz
5 (phonetic), Carvello (phonetic) & Cura (phonetic)
6 are -- is the one that the Agency recommends be,
7 you know, authorized to serve as the auditor for
8 this year.

9 The amount again is -- is very -- is the
10 same as the budget last year. The budget that we
11 submitted is exactly identical -- to the -- to
12 the State.

13 So the amount not to exceed is \$11,000.00.

14 And if it meets your approval we can move
15 to a vote on this.

16 THE ASSISTANT SECRETARY: Okay.

17 Motion?

18 COMMISSIONER FESTA: Motion.

19 THE ASSISTANT SECRETARY: Seconded by?

20 COMMISSIONER NOVA: I'll second.

21 THE ASSISTANT SECRETARY: Rafael Nova.

22 Roll call.

23 Johnny Garces?

24 COMMISSIONER GARCES: Yes.

25 THE ASSISTANT SECRETARY: Rafael Nova?

1 COMMISSIONER NOVA: Yes.

2 THE ASSISTANT SECRETARY: Eva Festa?

3 COMMISSIONER FESTA: Yes.

4 THE ASSISTANT SECRETARY: Vincent Bonito?

5 COMMISSIONER BONITO: Yes.

6 THE ASSISTANT SECRETARY: Carlos Vallejo?

7 COMMISSIONER VALLEJO: Yes.

8 THE ASSISTANT SECRETARY: Okay.

9 Thank you.

10 Did I miss someone?

11 No, I don't think so.

12 Okay.

13 Let the record show that the Commissioners
14 have voted to accept the nomination of Ferraioli,
15 et al., as the accounting firm for the year.

16 And these are zeros.

17 MR. YANOTCHKO: Yes. Yes.

18

19 **APPROVAL AND RATIFICATION OF PRIOR PAYMENT OF**

20 **CLAIMS; and**

21 **APPROVAL PAYMENT OF BILLS AND PREPARATION OF**

22 **CHECKS:**

23

24 MR. YANOTCHKO: We can brief -- we can very
25 quickly go through items number nine and ten, the

1 approval ratification of prior payment of claims;
2 approval of bills -- payment of bills,
3 preparation of checks, because there are no items
4 on these two Resolutions this -- this month
5 because we're, you know, starting the new year of
6 course.

7 So, tonight there is no -- no checks to
8 authorize --

9 THE ASSISTANT SECRETARY: No checks.

10 MR. YANOTCHKO: -- or bills.

11 THE ASSISTANT SECRETARY: Okay, do I have a
12 motion to accept this -- these two items, eight
13 -- no, rather nine and ten?

14 COMMISSIONER GARCES: Make a motion.

15 THE ASSISTANT SECRETARY: Motion by Johnny
16 Garces.

17 COMMISSIONER FESTA: Second.

18 THE ASSISTANT SECRETARY: Seconded by?

19 COMMISSIONER FESTA: Second.

20 THE ASSISTANT SECRETARY: Eva Festa.

21 Okay.

22 Roll call.

23 Johnny Garces?

24 COMMISSIONER GARCES: Yes.

25 THE ASSISTANT SECRETARY: Rafael Nova?

1 COMMISSIONER NOVA: Yes.

2 THE ASSISTANT SECRETARY: Eva Festa?

3 COMMISSIONER FESTA: Yes.

4 THE ASSISTANT SECRETARY: Vincent Bonito?

5 COMMISSIONER BONITO: Yes.

6 THE ASSISTANT SECRETARY: Carlos Vallejo?

7 COMMISSIONER VALLEJO: Yes.

8 THE ASSISTANT SECRETARY: That said, all
9 the Commissioners have accepted the motion and
10 the approval of ratification and the non-payment
11 of bills, which there are no checks to be paid.

12 MR. YANOTCHKO: Exactly.

13 THE ASSISTANT SECRETARY: Okay.

14

15 **REPORT ON STATUS OF PROJECTS:**

16

17 MR. YANOTCHKO: And then we'll move on to
18 item number 11, a Report on the Status of
19 Projects.

20 The real update to give you right now is
21 what's going on with the school to get the
22 kerosene tank that was found last summer
23 hopefully paid, you know, through funds from the
24 School Development Authority.

25 What the School -- the School Development

1 Authority has shown more interest in being
2 amenable to -- to providing funds for this bill.

3 What they've asked us though for is a lot
4 of back-up on prior work done on the site, which
5 includes environmental reports and some
6 documentation on money that the Agency recovered
7 in a eminent domain action for, you know, for
8 condemnation -- condemnation costs on a gas
9 station that was formerly on the property.

10 So, we're in the process of attempting to
11 satisfy the School's Development Authority on
12 those -- on those couple items and hopefully we
13 can -- hopefully they will authorize, you know,
14 some funds to be, you know, paid instead of the
15 Board of Education or the Agency having to foot
16 the bill for the cleanup of that site.

17 So, that's the -- that's the main agenda
18 item -- I mean the main summary I have for the,
19 you know, status report.

20

21 THE ASSISTANT SECRETARY: Very good.

22 Okay.

23

24 **PUBLIC COMMENT:**

25

1 THE ASSISTANT SECRETARY: And I'll take the
2 liberty to open it for public comment.

3 Anyone from the public care to --

4 No -- seeing no one from the public, I
5 guess now any other business that we want to
6 discuss tonight --

7 COMMISSIONER GARCES: Did we -- did we vote
8 on number of two, approval of minutes from
9 November 15th?

10 Did we do that?

11 THE ASSISTANT SECRETARY: I don't think we
12 did and we could back up and go back to that.

13 MR. YANOTCHKO: I think we will have to do
14 that.

15 THE ASSISTANT SECRETARY: Yeah, we will
16 have to do it.

17

18 **APPROVAL OF MINUTES FROM THE NOVEMBER 15, 2012**

19 **MEETING:**

20

21 THE ASSISTANT SECRETARY: Okay, it's in
22 your packets and --

23 COMMISSIONER GARCES: No more waiting.

24 THE ASSISTANT SECRETARY: What was that?

25 Okay.

1 So, did you review your minutes?

2 Are you ready to vote on it?

3 You want to accept the minutes from the
4 November 20th meeting -- November 15th meeting,
5 rather.

6 COMMISSIONER FESTA: Make a motion.

7 THE ASSISTANT SECRETARY: Motion by Eva
8 Festa to accept --

9 COMMISSIONER NOVA: Second.

10 THE ASSISTANT SECRETARY: Seconded by --

11 COMMISSIONER NOVA: I'll second.

12 THE ASSISTANT SECRETARY: -- Rafael Nova.

13 Okay, roll call for the acceptance of the
14 minutes.

15 Eva Festa?

16 COMMISSIONER FESTA: Yes.

17 THE ASSISTANT SECRETARY: Johnny Garces?

18 COMMISSIONER GARCES: Yes.

19 THE ASSISTANT SECRETARY: Rafael Nova?

20 COMMISSIONER NOVA: Yes.

21 THE ASSISTANT SECRETARY: Vincent Bonito?

22 COMMISSIONER BONITO: Yes.

23 THE ASSISTANT SECRETARY: And Carlos

24 Vallejo?

25 COMMISSIONER VALLEJO: Yes.

1 THE ASSISTANT SECRETARY: Let the record
2 show that the Committee -- the Commissioners
3 voted to accept the minutes from November 15th
4 meeting.

5 Thank you, Mr. Garces, for that.

6 MR. YANOTCHKO: Yes, thank you.

7 THE ASSISTANT SECRETARY: Okay.

8

9 **ADJOURNMENT:**

10

11 THE ASSISTANT SECRETARY: And there being
12 no other items on tonight's agenda, do I have a
13 motion to close tonight's meeting?

14 COMMISSIONER VALLEJO: Motion.

15 THE ASSISTANT SECRETARY: Motion by Mr.
16 Vallejo.

17 Seconded by Mr. Nova.

18 COMMISSIONER NOVA: I second.

19 Yes.

20 THE ASSISTANT SECRETARY: That said, all in
21 favor?

22

23 (Whereupon, there was a chorus of ayes.)

24

25 THE ASSISTANT SECRETARY: Anyone opposing?

1 COMMISSIONER FESTA: None.

2 THE ASSISTANT SECRETARY: Meeting has been
3 closed.

4 Okay.

5

6 (Whereupon, the proceedings were concluded
7 at 6:20 p.m.)

8

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY REDEVELOPMENT AGENCY,
9 held on Wednesday, January 16, 2013 and
10 digitally recorded.

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24 Monitored by: Kevin Dillon

25 Proofread by: Deborah Dillon

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