

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

May 20, 2014
Commencing at 12:04 p.m.

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

PAUL CASPER, COMMISSIONER
EVA FESTA, COMMISSIONER
CARLOS VALLEJO, COMMISSIONER
LUCIO FERNANDEZ, CHAIRMAN, (Left at 12:10 p.m.)

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

VINCENT BONITO, COMMISSIONER
JOHNNY GARCES, COMMISSIONER
RAFAEL NOVA, COMMISSIONER

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

BRENDA G. COX, ASSISTANT SECRETARY TO THE BOARD

KENNEDY NG, EXECUTIVE DIRECTOR

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	5
APPROVAL AND RATIFICATION OF PRIOR PAYMENT OF CLAIMS	6
APPROVAL PAYMENT OF BILLS AND PREPARATION OF CHECKS	6
REPORT ON STATUS OF PROJECTS	11
PUBLIC COMMENT	22
OTHER BUSINESS	24
ADJOURNMENT	26

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

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

6 This meeting has been called and scheduled
7 for today, Tuesday, May 20th, 2014. We're
8 beginning the meeting at ten (sic) after twelve.

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 this 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 (sic) meeting, will everyone kindly rise so we
22 can salute the flag?

23 There's the flag over on the wall.

24

25 (Whereupon, the Pledge of Allegiance was

1 | said by all.)

2 |

3 | THE ASSISTANT SECRETARY: Thank you all.

4 |

5 | **ROLL CALL:**

6 |

7 | THE ASSISTANT SECRETARY: I'll do a roll
8 | call for today's meeting.

9 | Lucio Fernandez?

10 | CHAIRMAN FERNANDEZ: Here.

11 | THE ASSISTANT SECRETARY: Eva Festa?

12 | COMMISSIONER FESTA: Here.

13 | THE ASSISTANT SECRETARY: Johnny Garces?

14 | Rafael Nova?

15 | Paul Casper?

16 | COMMISSIONER CASPER: Here.

17 | THE ASSISTANT SECRETARY: Vincent Bonito?

18 | Carlos Vallejo?

19 | COMMISSIONER VALLEJO: Here.

20 | THE ASSISTANT SECRETARY: Okay, let the

21 | record indicate that we have four members

22 | present.

23 | Those absent or late would be Johnny

24 | Garces, Rafael Nova and Vincent Bonito.

25 | So we have a Board made up of four members,

1 | which constitutes a full legal quorum to
2 | establish any decisions we make today.

3 |

4 | **APPROVAL OF MINUTES FROM THE MARCH 18, 2014**

5 | **MEETING:**

6 |

7 | THE ASSISTANT SECRETARY: I'm going to
8 | start with the first item on tonight (sic) -- on
9 | today's agenda, which is the approval of the
10 | minutes from the March 18, 2014, meeting.

11 | If you all recall we didn't meet in the
12 | month of April due to logistical challenges in
13 | getting a quorum together.

14 | So, would anyone vote on accepting the
15 | minutes from the --

16 | COMMISSIONER FESTA: Motion.

17 | THE ASSISTANT SECRETARY: -- March --
18 | Motion by --

19 | COMMISSIONER VALLEJO: Second.

20 | THE ASSISTANT SECRETARY: -- Eva Festa.
21 | Seconded by Carlos Vallejo.

22 | Roll call.

23 | Lucio Fernandez?

24 | CHAIRMAN FERNANDEZ: Yes.

25 | THE ASSISTANT SECRETARY: Yes. Right?

1 Okay.

2 Eva Festa?

3 COMMISSIONER FESTA: Yes.

4 THE ASSISTANT SECRETARY: Paul Casper?

5 COMMISSIONER CASPER: Yes.

6 THE ASSISTANT SECRETARY: And Carlos
7 Vallejo?

8 COMMISSIONER VALLEJO: Yes.

9 THE ASSISTANT SECRETARY: Let the record
10 show that the minutes from the March 18, 2014,
11 was adopted.

12 And now I will turn the meeting over to
13 counsel for continuation.

14 MR. YANOTCHKO: Okay.

15 Thank you, Brenda.

16 THE ASSISTANT SECRETARY: Um-hum.

17

18 **APPROVAL AND RATIFICATION OF PRIOR PAYMENT OF**

19 **CLAIMS;**

20 **and**

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

22 **CHECKS:**

23

24 MR. YANOTCHKO: The next two items involve
25 the Approval, Ratification of Prior Payment of

1 Claims, the Approval and Payment of Bills and
2 Preparation of Checks, more for current claims.

3 The first item for prior payments, we don't
4 have any for this -- for this Regular Meeting.

5 Oh, actually, wait. I'm sorry, we do. We
6 do.

7 We don't have any for the general operating
8 account --

9 THE ASSISTANT SECRETARY: Right.

10 MR. YANOTCHKO: -- but we do have a rather
11 large one.

12 This is the famous requisition number 42
13 for the high school project that has -- that took
14 a long time for the School's Development
15 Authority to approve and to -- to make payment
16 on.

17 They went through a large series of
18 revisions but they finally approved it; we signed
19 -- we signed the letter for it and you can see it
20 there.

21 Even though it's about one-tenth of one
22 percent of the entire school cost, it took a long
23 time to get through but it's gotten through. And
24 now Epic is -- the redeveloper's on number 43.

25 So that was finally paid out in the last

1 couple weeks and approved.

2 Moving on to number 4, that's the
3 Resolution to approve payment of bills and claims
4 presented, authorize the preparation of checks.
5 There's a couple bills here.

6 Audio-Digital for 383.

7 Then mostly legal bills, you know, from a
8 variety of different files.

9 The first one either general PBG Realty or
10 Yardley, depending on what -- what came up,
11 that's in the amount of \$3,195.00.

12 The one -- the category that seems like
13 it's even taken more time and money than this is
14 the legal bill for Stadium Demonstration because
15 the audit has started. You know that's something
16 we'll talk about in the reports; --

17 THE ASSISTANT SECRETARY: Um-hum.

18 MR. YANOTCHKO: -- the State audit from the
19 School's Development Authority.

20 And it's a lot of work. It's been many
21 meetings, time spent in file areas and, you know,
22 just communications back and forth with our team
23 and sometimes to the State to try to -- to try to
24 get responses to them. So, -- and that's in the
25 amount of 4,350.

1 For a total of \$7,928.14.

2 THE ASSISTANT SECRETARY: Do I have a
3 motion to accept?

4 COMMISSIONER FESTA: Motion.

5 THE ASSISTANT SECRETARY: Motion by Eva
6 Festa.

7 COMMISSIONER VALLEJO: Second the motion.

8 THE ASSISTANT SECRETARY: Seconded by
9 Carlos Vallejo.

10 I'll roll call.

11 Eva Festa?

12 COMMISSIONER FESTA: Yes.

13 THE ASSISTANT SECRETARY: Lucio Fernandez?

14 CHAIRMAN FERNANDEZ: Yes.

15 THE ASSISTANT SECRETARY: Paul Casper?

16 COMMISSIONER CASPER: Yes.

17 THE ASSISTANT SECRETARY: And Carlos
18 Vallejo?

19 COMMISSIONER VALLEJO: Yes.

20 THE ASSISTANT SECRETARY: Let the record
21 show that the ratification of prior payments and
22 also the checks and authorization to pay bills
23 was approved.

24 CHAIRMAN FERNANDEZ: With all due
25 respect, --

1 This is Lucio Fernandez speaking.

2 -- I will step out of the meeting and will
3 read the minutes following this and I'll get a --
4 I'll get some feedback from the other members
5 before the next meeting.

6 I will step away now.

7 THE ASSISTANT SECRETARY: Before you step
8 away could I have your signature --

9 CHAIRMAN FERNANDEZ: Yes.

10 THE ASSISTANT SECRETARY: -- on a few
11 things so that way we're -- we can really close
12 this altogether properly.

13 CHAIRMAN FERNANDEZ: Yes.

14 THE ASSISTANT SECRETARY: Second line on
15 each page for me.

16 Okay?

17 Good-bye.

18 Thank you.

19 Okay, very good.

20 CHAIRMAN FERNANDEZ: The next is just
21 reports.

22 THE ASSISTANT SECRETARY: Okay.

23 CHAIRMAN FERNANDEZ: You can carry the
24 meeting without a quorum.

25 THE ASSISTANT SECRETARY: Very good.

1 (Whereupon, there was a pause in the
2 proceedings.)

3

4 (Whereupon, Chairman Fernandez left the
5 meeting at 12:10 p.m.)

6

7 **REPORT ON STATUS OF PROJECTS:**

8

9 MR. YANOTCHKO: And moving on to number 5;
10 that's the Report on Status of Projects.

11 The big one is the high school audit. The
12 School's Development Authority has, you know,
13 indicated for months and months that eventually
14 they were going to audit the project, take a look
15 at documents, payments, all sorts of things.

16 And they finally sent their first document
17 request at the -- towards the end of March.

18 We had our first meeting with the auditors
19 in early April, April 9th.

20 And after that it's been a big task of
21 trying to get everything together to cover all of
22 their questions and document requests.

23 I've got a copy of it and I think I'll just
24 pass it along so you can kind of just get a sense
25 of what they're asking for. Some requests aren't

1 | very bad.

2 | You know one I'll read here is -- the first
3 | one is just get a signed and dated copy of a
4 | redevelopment agreement between UCRA and the
5 | redeveloper. That's okay. No problem.

6 | Other -- other questions, like number 7,
7 | they'll say provide a complete list of sub-
8 | consultant contracts inclusive of services
9 | provided, budget amount -- service and actual
10 | dollars expended. In addition to this list
11 | provide the physical contracts for every firm
12 | that UCRA awarded contracts for for
13 | pre-development.

14 | And they have a list of seven. Then any
15 | others that you could find and tell us.

16 | So, that's -- that's kind of what we're
17 | dealing with. And some of these other questions
18 | are worse than that.

19 | So I'll just pass this along, first to
20 | Commissioner Casper. Kennedy's, you know, seen
21 | this before.

22 | UCRA's role in this, it's not as big as the
23 | redeveloper or the redeveloper's construction
24 | firm, which is Epic -- and then the redeveloper
25 | was Summit.

1 We probably have greater responsibility
2 over about 10 or 11 of these 69 questions that
3 they've asked.

4 THE ASSISTANT SECRETARY: Um-hum.

5 MR. YANOTCHKO: Our areas mostly are
6 pre-development issues that deal with land, like
7 appraisals, relocation of tenants or businesses
8 and -- there's one other, I think -- land
9 acquisition for the most part. Like whether we
10 -- whether eminent domain had to be used or
11 sales.

12 So, it's a -- our task is a bit easier than
13 some of the -- what the construction company has
14 to do in producing like back payrolls or every
15 example of every change order and things like
16 that. But it's -- it is a really extensive list
17 of items that they've asked for. It's time
18 consuming.

19 I've spent a few days, you know, here and
20 there, half-days really, in the file cabinet
21 here. Most of the documents we have are stored
22 there. The good news is we have most of
23 everything we're responsible for.

24 There's some gaps but I think what I'll do
25 is I'll ask some professionals who were with this

1 project earlier, Gerry Nissen or Lou Flora, you
2 know just to point me in the right direction and
3 I think we'll probably be able to track them down
4 or track them down with help of the redeveloper.

5 But even with a lot of work we did our
6 first initial what's called a document production
7 back at them, you know, answering questions and
8 sending a lot of documents last Tuesday on May
9 13th.

10 We probably answered about 20 of those 69
11 questions based on what we had at the time and,
12 you know, this is a combination between us and
13 Epic. You know and we've told, look, it's a very
14 large amount of documents that you're looking
15 for.

16 They said fine -- you know over the phone
17 they say fine and then you know by email they
18 usually say well when you going to have
19 everything for us?

20 So we've -- you know we've met sometimes to
21 tell them, you know, what our strategy is.

22 What we're really going to -- our main plan
23 is to update our list, our responses, every 15th
24 and the 30th of every month until we can knock
25 everything down as -- for what we have.

1 The other I think positive on how we're
2 responding to it is that the redeveloper set up
3 almost like a website that you can have -- that
4 only certain people can have access to. It's
5 called an FTP site. And it's off their -- it's
6 off their company web page.

7 And so what happens is if you log in and
8 you have the right codes you can see the -- you
9 could see responses.

10 So what they've done is they've put like a
11 folder for each one of those questions -- you
12 know, 1 through 69. And then when we have
13 something what we do is we can just send it up to
14 the website in it's placed there.

15 The really good part about this, as we've
16 talked to the redeveloper, is that they've had
17 trouble with the SDA in terms of things that
18 they've -- think they've sent three or four times
19 before.

20 This way it's really hard for them -- if
21 there's something that we've sent and -- it's
22 almost impossible to get out and say, no, you
23 didn't send -- you know if the State says we
24 didn't send it because it's right there on the
25 website.

1 You know it's kind of like a running, you
2 know, set of answers that they can always go in
3 -- go back and forth to.

4 So that's -- that's what, you know, what
5 we've had some challenges with lately and, you
6 know, it's led to a lot of meetings. You know
7 sometimes they'll get conversations on how to
8 best interact with the auditors, you know, being
9 a bit assertive in asking for what we need while
10 also not trying to sound non-compliant. You
11 know, we intend to --

12 MR. NG: If I can --

13 MR. YANOTCHKO: -- fully comply.

14 MR. NG: -- interrupt you?

15 MR. YANOTCHKO: Yeah.

16 MR. NG: I just want to remind the
17 Commissioners that Mr. Yanotchko he's only been
18 here for two years --

19 THE ASSISTANT SECRETARY: Yup, at the
20 moment.

21 MR. NG: -- and I personally think that
22 he's been doing an excellent job --

23 THE ASSISTANT SECRETARY: Yup.

24 MR. NG: -- in, you know, coordinating
25 every -- all those documentation from

1 Redevelopment in conjunction with Epic and the
2 Board of Education.

3 There were a lot of meetings, conference
4 calls; he actually call me every day for, you
5 know, for information and he's been in my office
6 -- our office, Redevelopment Agency office
7 downstairs looking for all those files in there.
8 That's not easy.

9 You remember Brenda, spending a lot of time
10 --

11 THE ASSISTANT SECRETARY: It's -- no, it
12 isn't.

13 MR. NG: -- before this --

14 THE ASSISTANT SECRETARY: It's very
15 challenging.

16 MR. NG: -- he started, it's very
17 challenging.

18 THE ASSISTANT SECRETARY: Yeah.

19 MR. NG: And I just want to point that out
20 that you're doing --

21 MR. YANOTCHKO: Thank you.

22 MR. NG: -- I mean a great job.

23 MR. YANOTCHKO: Thank you.

24 MR. NG: This is not easy.

25 THE ASSISTANT SECRETARY: No.

1 MR. YANOTCHKO: Yeah.

2 Yeah, I should say that most of what
3 they've asked for is from 2004, '05, '06, '07.
4 They're more concentrated on stuff that happened
5 a while ago. Really a lot when the -- how
6 project started.

7 They want to see things -- it seems like
8 they want to see things like did you follow the
9 rules in terms of finding the right consultants
10 to projects in the construction area. And this
11 is more the redeveloper's, you know,
12 responsibility; just showing how they bid sub-
13 contracts to make sure they did it properly.

14 I mean it's important to know that, you
15 know, government money was spent accurately.

16 Yes?

17 COMMISSIONER FESTA: What's the retention
18 schedule on all these documents been?

19 MR. YANOTCHKO: The retention schedule?

20 You're talking about how long we have to
21 keep them?

22 COMMISSIONER FESTA: Yeah. You're going
23 back ten years.

24 MR. YANOTCHKO: Yeah.

25 THE ASSISTANT SECRETARY: Um-hum.

1 MR. YANOTCHKO: Well, here's -- here's how
2 they were able to do this.

3 As part of the grant agreement they put in
4 that, okay you have to keep documents from 2004
5 on. So that's -- that's how they're able to do
6 this. So, --

7 MR. NG: Ten years.

8 MR. YANOTCHKO: Fortunately we did.

9 You know because it's -- you -- and I know
10 in most industries you wouldn't have that.

11 You know like even for lawyers it's usually
12 seven --

13 COMMISSIONER FESTA: Seven.

14 MR. YANOTCHKO: -- years you keep a file.

15 But here it's a special requirement because
16 it's -- they're saying, well, we gave you well
17 over a hundred million dollars to build this and
18 if you're going to take the money you've got to
19 play by our rules.

20 So that's how they get to it.

21 And -- but, you know, the good news is we
22 have, --

23 THE ASSISTANT SECRETARY: Um-hum.

24 MR. YANOTCHKO: -- you know, most if not
25 everything that they're -- that they're looking

1 for.

2 I mean some of these questions are hard
3 because the -- the really, really difficult ones
4 are why did this change, you know, back in --

5 And if something that happened in 2005
6 that's really difficult. And that's something
7 we're going to, in the next month or two, we're
8 going to have to figure out like --

9 COMMISSIONER FESTA: The change orders you
10 mean.

11 MR. YANOTCHKO: Yeah.

12 -- how we can do that.

13 Or just like the development on a project.
14 Like on -- they've asked questions about a
15 smaller part of what we did, which was relocating
16 businesses and tenants.

17 And as far as I could tell, some -- you
18 know the basic amount that was given for that
19 didn't change but sometimes there is a little
20 more money spent towards residential than
21 businesses than first thought.

22 So I think they might ask questions like
23 why did that change. And that's the hard thing
24 to kind of -- you know because then you're
25 looking at emails and letters and -- and trying

1 to put it back together.

2 And, you know, hopefully maybe Lou or Gerry
3 -- who I've heard both have great memories --
4 might be able to help if -- you know on some of
5 those tough ones.

6 THE ASSISTANT SECRETARY: Um-hum.

7 MR. YANOTCHKO: And that's -- for the most
8 part that's what we've been up to.

9 There has been a little development with
10 PBG Realty, the potential developer of 22nd and
11 Summit -- between 22nd and 23rd and Summit. We've
12 been going back and forth about the height of the
13 building.

14 I sent them a letter almost a month ago
15 now, late April, about what the City really
16 wanted to see; that we're hoping that they could
17 keep it to 15 stories, which is the same height
18 as a nearby building. And, you know, a couple
19 other things that we wanted to affirm that would
20 be part of this development. Mostly things that
21 are already in the redevelopment plan, like
22 sidewalk improvements, making sure there's enough
23 -- you know there's some trees and some green
24 space.

25 We have not had a response back to that

1 letter; at least not a formal response. I don't
2 know if their attorney has reached out to the
3 City attorney. You know because we've been
4 pretty much handling this, you know, together --
5 the City -- with the City and UCRA. So that's --
6 but that's where we are at that point.

7 We sent them a letter stating this is the
8 UCRA/City position on what we'd like to see out
9 of height, building and when we'd like to build
10 it -- when we'd like you to build it.

11 Because that's one concern is I'm hoping
12 that they'd actually, if we do a deal, that
13 they'll build it and not just sell it to somebody
14 else or have to have a development sit around,
15 plans sit around for like five, ten years.

16 And that's basically been the last two
17 months.

18 MR. NG: Thank you.

19 MR. YANOTCHKO: No problem.

20 Any questions? Any other?

21 Thank you.

22 THE ASSISTANT SECRETARY: Okay.

23

24 **PUBLIC COMMENT:**

25

1 THE ASSISTANT SECRETARY: I guess we could
2 move on to --

3 MR. YANOTCHKO: I guess the --

4 THE ASSISTANT SECRETARY: -- item 6, the
5 Public Comment --

6 MR. YANOTCHKO: -- item 6.

7 THE ASSISTANT SECRETARY: -- portion.

8 MR. YANOTCHKO: At this point we'll open it
9 up to public comment.

10 Although not really -- not seeing any
11 members of the public, --

12 THE ASSISTANT SECRETARY: I guess we can
13 close it.

14 MR. YANOTCHKO: Yes, a motion to close it?

15 THE ASSISTANT SECRETARY: Okay.

16 Any motion to close the public?

17 COMMISSIONER FESTA: Motion.

18 THE ASSISTANT SECRETARY: Motion by Eva.

19 Seconded by?

20 COMMISSIONER VALLEJO: Second.

21 THE ASSISTANT SECRETARY: Carlos Vallejo.

22 All in favor?

23

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

25

1 THE ASSISTANT SECRETARY: Okay.

2 Thank you.

3 I'm not going to take a vote on that.

4 Very good.

5

6 **OTHER BUSINESS:**

7

8 THE ASSISTANT SECRETARY: And then we move
9 on to item 7. Any other business before the
10 Board?

11 None.

12 If I could indulge myself and take the
13 liberty of getting this on record, as the
14 Secretary to the Board.

15 I'm formally announcing that I will be
16 retiring effective June 30th.

17 I've already discussed it --

18 MR. NG: Yeah.

19 THE ASSISTANT SECRETARY: -- with Kennedy.
20 I'm mentioning it to those that didn't --

21 MR. YANOTCHKO: I might have heard
22 something actually.

23 THE ASSISTANT SECRETARY: Yes. Yes.

24 So, I just wanted to mention it on the
25 record, although I'm typically a non-speaker in

1 the meetings. But I didn't want it to come as a
2 surprise to anyone, so.

3 MR. NG: Well, Brenda, you know, --

4 COMMISSIONER VALLEJO: Congratulations.

5 MR. YANOTCHKO: Thank you and
6 congratulations.

7 MR. NG: -- as I told you, --

8 MR. YANOTCHKO: Yeah.

9 THE ASSISTANT SECRETARY: I know.

10 COMMISSIONER CASPER: Congratulations.

11 MR. NG: -- you know, we're all going to
12 miss you and the excellent --

13 THE ASSISTANT SECRETARY: I know.

14 I'm going to miss this, too. But --

15 MR. NG: -- the excellent job that you have
16 done with this Agency and, you know, I didn't --

17 THE ASSISTANT SECRETARY: Five years went
18 fast.

19 MR. NG: -- really don't want you to go.

20 THE ASSISTANT SECRETARY: Yeah. I know.

21 MR. NG: But I know it's the right decision
22 for you and for your family right now.

23 THE ASSISTANT SECRETARY: It is.

24 MR. NG: And this is a tough time for you
25 to go --

1 THE ASSISTANT SECRETARY: Oh, yes. It is a
2 rough time. I -- part of me feels guilty.

3 MR. NG: No.

4 THE ASSISTANT SECRETARY: I'm abandoning
5 the ship but --

6 MR. NG: I will call you.

7 THE ASSISTANT SECRETARY: -- mutiny does
8 happen. Mutiny on the bounty, you know? I gotta
9 run. Gotta die.

10

11 **ADJOURNMENT:**

12

13 THE ASSISTANT SECRETARY: So with that, as
14 there being no other items on today's agenda, do
15 I have a motion to close the meeting?

16 COMMISSIONER VALLEJO: Motion.

17 COMMISSIONER FESTA: Motion.

18 THE ASSISTANT SECRETARY: Motion by Carlos
19 Vallejo.

20 Seconded by Eva Festa.

21 All in favor?

22

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

24

25 THE ASSISTANT SECRETARY: Okay, so with

1 that, the meeting is formally closed, ladies and
2 gentlemen.

3 MR. NG: Thank you.

4

5 (Whereupon, the proceedings were concluded
6 at 12:23 p.m.)

7

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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 Tuesday, May 20, 2014, and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon