

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

February 19, 2013
Commencing at 6:07 p.m.

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

VINCENT BONITO, COMMISSIONER
EVA FESTA, COMMISSIONER
RAFAEL NOVA, COMMISSIONER
JOHAN PATERNINA, COMMISSIONER
CARLOS VALLEJO, COMMISSIONER

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

JOHNNY GARCES, 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

FLORIO & KENNY, LLP
BY: DAVID J. YANOTCHKO, ESQ.
Board Attorney

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1 THE ASSISTANT SECRETARY: We're ready to
2 start.

3 May I have your attention?

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

7 This meeting has been called and scheduled
8 for today, Tuesday, February 19th, 2013; beginning
9 the meeting at ten minutes after six.

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

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

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

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

24

25 (Whereupon, the Pledge of Allegiance was

1 | said by all.)

2 |

3 | THE ASSISTANT SECRETARY: Thank you.

4 |

5 | **ROLL CALL:**

6 |

7 | THE ASSISTANT SECRETARY: We'll begin the
8 | meeting with roll call for tonight's meeting.

9 | Lucio Fernandez?

10 | MR. NG: He's on vacation; he couldn't make
11 | it.

12 | THE ASSISTANT SECRETARY: Okay.

13 | Eva Festa?

14 | COMMISSIONER FESTA: Here.

15 | THE ASSISTANT SECRETARY: Johnny Garces?

16 | MR. NG: He's on vacation, too.

17 | THE ASSISTANT SECRETARY: Okay.

18 | Rafael Nova?

19 | COMMISSIONER NOVA: Here.

20 | THE ASSISTANT SECRETARY: Johan Paternina?

21 | COMMISSIONER PATERNINA: Here.

22 | THE ASSISTANT SECRETARY: Vincent Bonito?

23 | COMMISSIONER BONITO: Here.

24 | THE ASSISTANT SECRETARY: And Carlos

25 | Vallejo?

1 COMMISSIONER VALLEJO: Here.

2 THE ASSISTANT SECRETARY: Okay, let the
3 record indicate that we have five members
4 present.

5 Those absent tonight would be Commissioner
6 Lucio Fernandez and Commissioner Johnny Garces.

7 So we have a Board comprised of five
8 members, which constitute a full legal quorum to
9 establish any decisions made tonight.

10 I'm going to start by -- on the agenda in
11 the order that it appears.

12

13 **APPROVAL OF MINUTES FROM JANUARY 16, 2013**

14 **MEETING:**

15

16 THE ASSISTANT SECRETARY: I will call for
17 the approval of the minutes from the January 16th
18 meeting, which is attached to your package.

19 COMMISSIONER BONITO: Motion.

20 THE ASSISTANT SECRETARY: Motion by Mr.
21 Bonito.

22 Seconded by?

23 COMMISSIONER NOVA: I second.

24 THE ASSISTANT SECRETARY: By Mr. Rafael
25 Nova. Okay.

1 Roll call to accept the minutes of the
2 January 16th meeting.

3 Eva Festa?

4 COMMISSIONER FESTA: Yes.

5 THE ASSISTANT SECRETARY: Rafael Nova?

6 COMMISSIONER NOVA: Yes.

7 THE ASSISTANT SECRETARY: Johan Paternina?

8 COMMISSIONER PATERNINA: Abstain.

9 THE ASSISTANT SECRETARY: You'd abstain;
10 right?

11 COMMISSIONER PATERNINA: Yes.

12 THE ASSISTANT SECRETARY: Vincent Bonito?

13 COMMISSIONER BONITO: Yes.

14 THE ASSISTANT SECRETARY: And Carlos
15 Vallejo?

16 COMMISSIONER VALLEJO: Yes.

17 THE ASSISTANT SECRETARY: Let the record
18 show that the minutes from the January 16th
19 meeting was adopted and approved by the Board.

20 I will now turn the agenda over to Counsel
21 for us to follow in that order.

22 MR. YANOTCHKO: Thank you, Brenda.

23

24 **ADOPTION OF 2013 BUDGET:**

25

1 MR. YANOTCHKO: We are going to start with
2 the -- item number 3, which is a late addition to
3 our agenda. And that is the Adoption of the 2013
4 Budget.

5 We -- as a Board of Commissioners, the --
6 you know, proposed budget was presented at our
7 last meeting of 2012. The budget was approved.
8 It goes to the Department of Community of
9 Affairs, the local government group, and they
10 have -- they did not approve it in time for the
11 January meeting but they have approved it just in
12 time for the February meeting.

13 So, I'm going to read this off. It's hot
14 off the presses. And we'll -- we'll just go
15 through the Resolution. And one thing we'll do
16 is we'll correct the fiscal year; I think it's so
17 hot of the press the State --

18 THE ASSISTANT SECRETARY: Um-hum.

19 MR. YANOTCHKO: -- used it's 2011 template
20 for --

21 THE ASSISTANT SECRETARY: I know.

22 MR. YANOTCHKO: -- for the fiscal year.

23 Yeah, that's --

24 THE ASSISTANT SECRETARY: We'll correct
25 that.

1 MR. YANOTCHKO: -- it's a couple years ago.

2 But we will correct that.

3 THE ASSISTANT SECRETARY: Um-hum.

4 MR. YANOTCHKO: So, the budget -- the
5 Resolution reads:

6 Whereas, the annual budget and capital
7 budget program for the Union City Redevelopment
8 Agency for the fiscal year beginning January 1st,
9 2013 and ending December 31st, 2013, has been
10 presented for adoption before the governing body
11 of the Union City Redevelopment Agency at its
12 open public meeting of February 19th, 2013; and

13 Whereas, the annual budget and capital
14 budget presented for adoption reflects each item
15 of revenue and appropriation in the same amount
16 and title as forth in the introduced and approved
17 budget, including all amendments thereto, if any,
18 which had been approved by the Director of the
19 Division of Local Government Services.

20 The most important part, the annual budget
21 is -- as presented for adoption, reflects total
22 revenues of 70,000; total appropriations,
23 including any accumulated deficit, if any, of
24 70,000; and total unrestricted net assets
25 utilized of zero dollars.

1 Whereas, the capital budget, as presented
2 for adoption, reflects the total capital
3 appropriations of zero dollars and total
4 unrestricted net assets planned to be utilized of
5 zero dollars; so, now, therefore be it

6 Resolved, by the governing body of the
7 Union City Redevelopment Agency, at an open
8 public meeting held on February 19th, 2013, that
9 the annual budget and capital budget program of
10 the Union City Redevelopment Agency for the
11 Fiscal Year of January 1st, 2013 and ending
12 December 31st, 2013, is hereby adopted and shall
13 constitute appropriations for the purposes
14 stated.

15 And the last -- the last resolution, fairly
16 repetitive it's stated in the whereas clause up
17 there.

18 THE ASSISTANT SECRETARY: Um-hum.

19 MR. YANOTCHKO: So, I think the important
20 thing to understand this is the same budget that
21 we -- that was presented and adopted by this --
22 this Board of Commissioners back in November,
23 2012.

24 I believe Brenda has the whole packet if
25 anybody --

1 THE ASSISTANT SECRETARY: Um-hum.

2 MR. YANOTCHKO: -- if anybody wants to
3 review it closer. But, otherwise, it's -- it's
4 -- the budget is presented for adoption tonight
5 upon a -- upon a resolution.

6 THE ASSISTANT SECRETARY: Okay.

7 Do I have a motion?

8 COMMISSIONER PATERNINA: Make a motion.

9 THE ASSISTANT SECRETARY: Motion by Mr. --
10 I know.

11 -- Mr. Paternina.

12 Seconded by?

13 COMMISSIONER BONITO: I'll second.

14 THE ASSISTANT SECRETARY: Okay, seconded by
15 Mr. Bonito. Okay.

16 Roll call for vote.

17 Vincent Bonito?

18 COMMISSIONER BONITO: Yes.

19 THE ASSISTANT SECRETARY: Carlos Vallejo?

20 COMMISSIONER VALLEJO: Yes.

21 THE ASSISTANT SECRETARY: Rafael Nova?

22 COMMISSIONER NOVA: Yes.

23 THE ASSISTANT SECRETARY: Eva Marie Festa?

24 COMMISSIONER FESTA: Yes.

25 THE ASSISTANT SECRETARY: And Johan

1 Paternina?

2 COMMISSIONER PATERNINA: Yes.

3 THE ASSISTANT SECRETARY: Let the record
4 show that the committee has voted to approve the
5 budget for the fiscal year January 1, 2013 to
6 December 31st, 2013.

7 Thank you.

8 MR. YANOTCHKO: Thank you.

9 And then we'll complete the paperwork on
10 the budget and it is adopted as is.

11 THE ASSISTANT SECRETARY: Right. We'll --
12 we'll make the corrections to the master pages
13 and then we will delay getting your signature,
14 Mr. --

15 MR. NG: Okay.

16 THE ASSISTANT SECRETARY: -- Chairman
17 (sic), just until we make the correction of that
18 page.

19 Okay.

20

21 **APPROVAL AND RATIFICATION OF PRIOR PAYMENT OF**

22 **CLAIMS; and**

23 **APPROVAL PAYMENT OF BILLS AND PREPARATION OF**

24 **CHECKS:**

25

1 THE ASSISTANT SECRETARY: And then I guess
2 we'll move on to item --

3 MR. YANOTCHKO: Move on --

4 THE ASSISTANT SECRETARY: -- 4?

5 MR. YANOTCHKO: Yes, we're going to move on
6 to item number 4.

7 The approval and ratification of prior
8 payment of claims.

9 This item we can go over very quickly
10 because there are no prior payments or claims to
11 resolve at this point for agenda item number 4.

12 THE ASSISTANT SECRETARY: Um-hum.

13 MR. YANOTCHKO: So we can skip through that
14 and go quickly to item number 5, which is the
15 approval and payment of bills, preparation of
16 checks.

17 There are a few invoices here for approval.

18 There's an invoice from Audio-Digital
19 Transcription Services, two invoices for the last
20 two meetings in the amount of \$717.50.

21 There are some invoices from the law firm
22 of Florio and Kenny, four -- it looks like five,
23 actually \$6,805.87, I believe for some past --
24 past work done.

25 And then going over to the Union City

1 Redevelopment Agency Stadium Demo Grant, an
2 invoice there for \$2,524.33.

3 THE ASSISTANT SECRETARY: Okay.

4 Do I have a motion to accept?

5 COMMISSIONER FESTA: Motion.

6 THE ASSISTANT SECRETARY: Motion by Eva
7 Festa.

8 Seconded by?

9 COMMISSIONER VALLEJO: Second the motion.

10 THE ASSISTANT SECRETARY: Okay, seconded by
11 Mr. Carlos Vallejo.

12 Roll call.

13 THE ASSISTANT SECRETARY: Rafael Nova?

14 COMMISSIONER NOVA: Yes.

15 THE ASSISTANT SECRETARY: Eva Festa?

16 COMMISSIONER FESTA: Yes.

17 THE ASSISTANT SECRETARY: Johan Paternina?

18 COMMISSIONER PATERNINA: Yes.

19 THE ASSISTANT SECRETARY: Vincent Bonito?

20 COMMISSIONER BONITO: Yes.

21 THE ASSISTANT SECRETARY: And Carlos
22 Vallejo?

23 COMMISSIONER VALLEJO: Yes.

24 THE ASSISTANT SECRETARY: Let the record
25 show that the Resolution to approve payment of

1 bills was approved by the Board.

2 Okay.

3

4 **REPORT ON STATUS OF PROJECTS:**

5

6 THE ASSISTANT SECRETARY: We'll move on to
7 item 5 -- 6; I'm sorry.

8 MR. YANOTCHKO: Item 6.

9 Okay, report on the status of projects.

10 MR. NG: Just wanted to ask if you can
11 probably address a little bit about -- in a
12 couple sentences -- what is the issue with the
13 PBG Realty Associates with what we are doing a
14 little bit, so the Commissioners could be aware.

15 MR. YANOTCHKO: Exactly.

16 MR. NG: You don't have to be so deep
17 but --

18 MR. YANOTCHKO: Oh, yeah, exactly. I think
19 that's -- that's exactly what I was thinking --

20 MR. NG: Okay.

21 MR. YANOTCHKO: -- myself is to do that.

22 Currently we -- we -- probably the most
23 events we have right now is with a redeveloper
24 called PBG Realty Associates. They are the
25 redeveloper and have a plan for a high-rise

1 residential on 22nd and Summit of about 22
2 stories.

3 What's -- what has happened is they have
4 filed a site plan application to move forward
5 with this development. Unfortunately, in the --
6 for them, in the redevelopment agreement they're
7 supposed to file plans with this Agency first.

8 And another problem that's come up is that
9 the Agency is supposed to get a \$25,000.00
10 administrative fee when projects are being built
11 and proceed-- going forward.

12 I mean it -- it changes depending on the
13 agreement but this one is 75,000 over the course
14 of the development, you know, paid in three
15 installments. It's supposed to be due with the
16 plans were supposed to be filed with the UCRA.

17 What they've done instead is they --
18 they've claimed they're holding it in escrow and
19 have not paid that out yet.

20 We've had -- so, what's really going on
21 right now, I wrote them a letter saying, look,
22 you're really not supposed to go -- go forward
23 without meeting these two requirements first.

24 MR. NG: Um-hum.

25 MR. YANOTCHKO: The agreement is pretty

1 clear that the first set -- the first set of
2 plans is supposed to go to UCRA as part of this.
3 It's kind of like the -- the base organization
4 for them being redeveloper and we're supposed to
5 have the first look-through. And they are
6 supposed to pay this -- this fee.

7 So, I wroten (sic) a letter calling that to
8 their attention, inviting them to comply. The
9 wrote a letter back to me stating they've -- or,
10 two letters, trying to state that they complied
11 in a way that I still don't believe they've --
12 they've complied with.

13 So I've wrote them -- written them a letter
14 back about kind of reiterating the points;
15 \$25,000.00 administrative fee needs to be paid
16 and, you know, we're reviewing what to do since
17 it's well over two months past the deadline and
18 when they should have submitted us these plans.

19 MR. NG: And it is a requirement --

20 MR. YANOTCHKO: Oh, it's --

21 MR. NG: -- they have to comply for.

22 MR. YANOTCHKO: It -- it's -- it's right
23 there. It's -- it's in, basically, what's called
24 the construction schedule of -- of the agreement.
25 The first -- it's kind of the jumping off point

1 for everything else is to first get the plans
2 here, get it -- get it approved by this Agency
3 and go forward.

4 So, there's -- there's letters going on
5 back and forth on this. You know they're trying
6 to get in front of the Planning Board as soon as
7 possible and I just, at this point, will just
8 keep you posted on what -- what develops.

9 You know but that --

10 COMMISSIONER BONITO: I would like to ask
11 why do you think they're acting in such a manner?

12 MR. YANOTCHKO: Okay.

13 It's probably somewhat complicated. I
14 think --

15 COMMISSIONER BONITO: I mean, you know, the
16 gist of why --

17 MR. YANOTCHKO: In -- in one way I think
18 that they made the filing with the Planning Board
19 on the deadline that they should have made the
20 filing with UCRA. I think they're trying not to
21 admit a mistake and trying to say -- like one of
22 the claims they've made they -- they offered a
23 letter from the former Agency counsel from 2007
24 saying, hey, look, this was the approval of the
25 plan; this was the comments; we put them in.

1 It's -- the letter -- I read the letter
2 they talked about, it wasn't all that. I mean it
3 -- it barely talked about a plan. It made some
4 comments. It talked about probably five other
5 things.

6 COMMISSIONER BONITO: Um-hum.

7 MR. YANOTCHKO: So I think they're trying
8 not to -- if it -- if it ever came down to a
9 court case that they, you know, blew their
10 deadline, they -- they're trying not to ever
11 admit that. I think that's part of it.

12 MR. NG: So, in other words, they should
13 apply first to --

14 MR. YANOTCHKO: Yeah.

15 MR. NG: -- the Redevelopment Agency and
16 then the second step will be Planning Board.

17 So in their minds they -- they did apply to
18 Redevelopment Agency. That's what I understand,
19 in the past, probably --

20 MR. YANOTCHKO: Yes.

21 MR. NG: -- like --

22 The letters that they sent to the Agency; I
23 was not around by that time. That was like years
24 back.

25 COMMISSIONER BONITO: Um-hum.

1 MR. NG: And then what we are trying to do
2 is just put everything together and that's why I
3 asked David to explain to the Commissioners
4 what's going on because a lot of letters going
5 back and forth.

6 COMMISSIONER BONITO: Absolutely.

7 MR. NG: So, now we are aware -- you are
8 aware and he will be just saying -- telling the
9 Commissioners at every meeting the steps that we
10 are doing so we will be on the same page.

11 COMMISSIONER BONITO: Mr. Chairman, for the
12 record, thank you for making us aware;
13 respectfully.

14 MR. YANOTCHKO: Thank you. Thank you.

15 Yeah, I think it's -- it's -- it's very
16 important. I think what -- there was a lot of
17 informal things that the -- this redeveloper
18 might have sent over early but I -- I don't see
19 how it rises to the level of a plan, you know, of
20 what -- of what they're trying to say.

21 So, that's basically where we are.

22 COMMISSIONER BONITO: Um-hum.

23 MR. NG: Thank you.

24 MR. YANOTCHKO: No -- no problem.

25

1 **PUBLIC COMMENT:**

2

3 THE ASSISTANT SECRETARY: Okay.

4 And item 7 is opening it to the public for
5 any comments from the public.

6 Do we have any comments from the public?

7 There being none. Okay.

8 And any other items; any other business
9 that --

10 MR. NG: No but, Brenda, if I can get
11 business card?

12 THE ASSISTANT SECRETARY: Oh. Yes. Yes.

13 MR. NG: Yes, I really need it.

14 THE ASSISTANT SECRETARY: Okay.

15 MR. NG: Because I want to give my other
16 agency --

17 THE ASSISTANT SECRETARY: Okay.

18 MR. NG: -- business card.

19 THE ASSISTANT SECRETARY: Okay, order
20 business card for Mr. Ng.

21 MR. NG: It could be the number upstairs; --

22 THE ASSISTANT SECRETARY: Okay.

23 MR. NG: -- no CDA number please.

24 THE ASSISTANT SECRETARY: I can put the CDA
25 number?

1 MR. NG: No, no, no CDA number.

2 THE ASSISTANT SECRETARY: Don't put the --
3 Okay.

4 MR. NG: The -- it could be your number.

5 THE ASSISTANT SECRETARY: Very good. Okay.

6 MR. NG: Your number.

7 THE ASSISTANT SECRETARY: Okay.

8 MR. NG: Please.

9 THE ASSISTANT SECRETARY: You're welcome.
10 Yeah, no problem.

11 MR. NG: I never had it before --

12 THE ASSISTANT SECRETARY: Right. Okay.
13 Very good. I'll take care of that for you.

14

15 **ADJOURNMENT:**

16

17 THE ASSISTANT SECRETARY: And there being
18 no other items on tonight's agenda, do I have a
19 motion to end tonight's meeting?

20 COMMISSIONER FESTA: Motion.

21 COMMISSIONER PATERNINA: Make a motion.

22 THE ASSISTANT SECRETARY: Motion by Mr.
23 Paternina.

24 Seconded by?

25 COMMISSIONER BONITO: I second.

1 THE ASSISTANT SECRETARY: The rest of the
2 committee.

3 Those in favor?

4

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

6

7 THE ASSISTANT SECRETARY: Those opposed?

8 Thank you all for coming.

9

10 (Whereupon, the proceedings were concluded
11 at 6:23 p.m.)

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

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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, February 19, 2013, and recorded
10 on tape.

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24 Monitored by: Kevin Dillon

25 Proofread by: Deborah Dillon