

Redevelopment Agency Meeting Regular Meeting

Thursday, June 30, 2016

7:00 p.m.

City of Passaic, Mayor's Conference Room

Commissioners Present: Peter Cedeno-Castro, Delis P. Santana, Arthur Soto and Angel U. Torres

Commissioners Absent: David Spector, William Diaz & Chaim Munk

Staff Present: Ricardo Fernandez/Executive Director, Eric Bernstein, Esq. /Attorney and Joe Buga/Project Manager

Other Present: Two Members from the public present

Proper Notice: Adequate notice of the meeting was provided by notice to the Herald & News and Bergen Record, and by posting on the City Clerk's bulletin board specifying the time, place and known agenda

I. Roll Call

II. Pledge of Allegiance

III. Public Session

IV. Minutes of the meeting for March 29, 2016.

Moved: Delis P. Santana

Second: Angel Torres

For: 2 Against: 0 Abstain: 2 Not Present: 3

- V. The bill list for March 29, 2016 in the amount of \$66,611.38 was reviewed and approved.

Moved: Arthur Soto
Second: Peter Cedeno-Castro
For: 4 Against: 0 Abstain: 0 Not Present: 3

VI. 217 Brook Avenue Presentation

Attorney John Hague, Esq. introduced himself as the attorney for the developer/owner of the property Concord Estates LLC. He then introduced the planner Michael Sullivan who discussed the details of the property owner's proposal. He explained that they intend to conduct the rehabilitation of his existing building. He is looking to transform this space into a positive development for the property. He illustrated on boards the layout of the property showing the use of the existing property. The anchor of the property would be a 40,000 sq ft market and 9 office / retail services on the ground floor with residential apartments on the upper bays. They will be creating a parking deck to accommodate the tenants. They will also be putting a court yard in the complex to accommodate the residents. They will incorporate open space into both entrances of the property and consider a rooftop playground area for the residents. They are also contemplating the idea of a banquet hall.

VII. RESOLUTIONS

**PASSAIC REDEVELOPMENT AGENCY
RESOLUTION NUMBER 16-19**

Resolution Designating Concord Estates of Passaic Urban Renewal, LLC as the Redeveloper for Property located at 217 Brook Avenue, Block 3319, Lot 1, inclusive of the New Jersey Transit right of way adjacent to Block 3319, Lot 1, Block 3318A, Lots 7 and 20, located between Brook Avenue and Amsterdam Avenue, Block 3318C, Lots 9 and 20, located between Amsterdam Avenue and Terhune Avenue, and approximately five (5) feet of Amsterdam Avenue adjacent to 217 Brook Avenue on the Tax Map of the City of Passaic

WHEREAS, pursuant to Passaic City Ordinance 2058-16, properties located at 217 Brook Avenue, Block 3319, Lot 1, inclusive of the New Jersey Transit right of way adjacent to Block 3319, Lot 1; Block 3318A, Lots 7 and 20, located between Brook Avenue and Amsterdam Avenue; Block 3318C, Lots 9 and 20, located between Amsterdam Avenue and Terhune Avenue; and approximately five (5) feet of Amsterdam Avenue adjacent to 217 Brook Avenue on the Tax Map of the City of Passaic (the “Property”), which is located within the geographic boundaries of the City of Passaic (the “City”), has been designated by the City as an area in need of redevelopment, which Property is included in a duly adopted zoning plan known as the Scattered Site Redevelopment Plan, dated February 2, 2004, and the amendment to include the Property duly recommended for adoption by the Planning Board at its June 14, 2016 meeting (the “Plan”); and,

WHEREAS, Concord Estates of Passaic Urban Renewal, LLC, is the owner of 217 Brook Avenue, Block 3319, Lot 1, as designated on the Tax Map of the City of Passaic; and,

WHEREAS, Concord Estates of Passaic Urban Renewal, LLC (the “Redeveloper”) is solely owned by its managing member, Concord Wales LLC; and,

WHEREAS, the Redeveloper has submitted a redevelopment proposal, dated March 16, 2016 (the “Proposal”), to the Passaic Redevelopment Agency (the “Agency”) for the Property for uses in conformity with the Plan, including any amendments; and,

WHEREAS, the Redeveloper proposes adaptive re-use and redevelopment of the existing multistory building to a mixed use consisting of residential, retail and commercial project that will enhance the neighborhood (the “Project”); and,

WHEREAS, a committee of the Agency's Board of Commissioners has reviewed the Proposal and found same to be generally consistent with the intent of uses set forth in the Plan as amended; and,

WHEREAS, the Redeveloper shall comply with the Plan and/or shall apply to the Planning Board for all necessary variances, approvals, and/or permits as may be required under the Plan and/or may seek amendment of the Plan by request to the Agency and the City; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Passaic Redevelopment Agency that:

1. The above recitations are incorporated herein as if set forth at length; and,
2. Concord Estates of Passaic Urban Renewal, LLC is hereby designated as the Redeveloper for the redevelopment of the Property; and,
3. This designation is expressly contingent upon additional amendments, if necessary, to the Plan by the City and/or variances and approvals from the Planning Board; and,
4. This designation is also expressly contingent upon the Redeveloper providing all funds for the acquisition, relocation, property maintenance of and demolition at the Property and construction of the proposed Project; and,
5. This designation is also expressly contingent upon payment by the Redeveloper to the Passaic Redevelopment Agency of a non-refundable Application Fee in the amount of Ten Thousand Dollars (\$10,000.00), with such Application Fee to be paid within ten (10) calendar days of the adoption of this Resolution; and,

6. This designation is also expressly contingent upon the Redeveloper being responsible for and assuming all costs incurred by the Agency, including, but not limited to legal, appraisal, title, environmental, financial, engineering, etc.; and,

7. This designation is also expressly contingent upon payment by the Redeveloper to the Agency of an escrow under the Interim Costs Agreement between the Redeveloper and the Agency in the amount of Twenty Thousand Dollars (\$20,000.00) and the execution of the Interim Costs Agreement by the Agency and the Redeveloper. The amount above has previously been paid to the Agency and the Interim Costs Agreement has already been executed, all of which is incorporated herein; and,

8. This designation is also expressly contingent upon payment by the Redeveloper to the Passaic Redevelopment Agency of a non-refundable administrative fee of Fifteen Thousand Dollars (\$15,000.00), Seven Thousand Five Hundred Dollars (\$7,500.00) to be paid within ten (10) calendar days of the adoption of this Resolution, with an additional Seven Thousand Five Hundred Dollars (\$7,500.00) being paid upon substantial completion of the project; and,

9. The parties will now commence the negotiation of a redevelopment agreement, which is subject to review and approval by the Agency and its professionals; and,

10. The designation herein is for a period of one hundred eighty (180) calendar days, which period may be extended if necessary at the sole discretion of the Agency's Executive Director for an additional period of ninety (90) calendar days in order to enter into a Redevelopment Agreement; and,

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and/or Secretary are hereby authorized to execute any and all documents necessary to effectuate this Resolution, subject to review and approval of the Agency’s General Counsel and Executive Director.

INTRODUCED BY: Arthur Soto

SECONDED BY: Peter Cedeno-Castro

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Adopted on June 30, 2016

PASSAIC REDEVELOPMENT AGENCY

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

PASSAIC REDEVELOPMENT AGENCY

PASSAIC COUNTY, NEW JERSEY

RESOLUTION NO. 16-20

**A RESOLUTION AUTHORIZING THE PASSAIC REDEVELOPMENT AGENCY TO
REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR**

WHEREAS, the Passaic Redevelopment Agency currently operates under a State Fiscal Year pursuant to N.J.S.A. 40A:4-3.1; and,

WHEREAS, the Board of Commissioners has considered the matter of reverting to a Calendar Fiscal Year and has found that the reversion is in the best interest of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Passaic Redevelopment Agency that pursuant to N.J.S.A. 40A:4-3.1, that the Passaic Redevelopment Agency shall commence its first full year operating on a Calendar Fiscal Year beginning with Calendar Year 2017.

Introduced by Peter Cedenno-Castro

Seconded by Arthur Soto

Approved June 30, 2016

ATTEST:

ORIGINAL SIGNATURE ON FILE
Secretary

06/30/16
Date

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Adopted on June 30, 2016

PASSAIC REDEVELOPMENT AGENCY

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

PASSAIC REDEVELOPMENT AGENCY

RESOLUTION NO. 16-21

**RESOLUTION OF THE PASSAIC REDEVELOPMENT AGENCY REGARDING THE
 DELAYED INTRODUCTION OF THE TRANSITION YEAR 2016 BUDGET**

WHEREAS, the Passaic Redevelopment Agency (the “Agency”) is required to prepare an operating and capital budget on an annual basis; and

WHEREAS, pursuant to N.J.A.C. 5:31-2.3 said budget is required to be introduced no later than 60 days prior to the commencement of the Agency’s fiscal year; and

WHEREAS, the Agency prepared its Transition Year 2016 Budget and introduced said budget on June 30, 2016; and

WHEREAS, the introduction of the Agency's budget was delayed; and

WHEREAS, the Division of Local Government Services requires that the Agency set forth the reason(s) for any delay in the required budget introduction.

NOW, THEREFORE, BE IT RESOLVED in accordance with the requirements of the Division that the record show that the Agency delayed the introduction of the Transition Year 2016 Budget for the following reason:

1. The Agency delayed the introduction of the Budget pending the decision of the Agency to revert to a calendar fiscal year from a state fiscal year.

Approved June 30, 2016

(Date)

ATTEST:

ORIGINAL SIGNATURE ON FILE

Ricardo Fernandez, Executive Director

ORIGINAL SIGNATURE ON FILE

Vidya Nayak, Chief Financial Officer

INTRODUCED BY: Arthur Soto

SECONDED BY: Angel Torres

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Adopted on June 30, 2016

PASSAIC REDEVELOPMENT AGENCY

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

PASSAIC REDEVELOPMENT AGENCY

RESOLUTION NO. 16-22

RE: Transition Year 2016 Temporary Budget

WHEREAS, N.J.A.C. 5:31-2.5 provides that where any contracts, commitments or payments are required to be made prior to the adoption of the budget, temporary appropriations

should be made to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, it is anticipated that the budget will be approved by the Division of Local Government Services; and adopted no later than September 30, 2016; and

WHEREAS, the temporary appropriations adopted pursuant to this chapter do not exceed the total of appropriations made for all purposes in the budget for the 2016 fiscal year exclusive of all interest and debt redemption charges maturing subsequent to the end of the fiscal year and prior to the date of adoption of the budget; and

WHEREAS, the temporary appropriation in this resolution is less than the total appropriation for the preceding fiscal year,

NOW, THEREFORE, BE IT RESOLVED, that the following temporary appropriations be made for the 2016 transition year:

Administration:

Salaries and Wages	<u>\$9,000</u>
Total Administration	<u>9,000</u>
Cost of Providing Services:	
Other Expenses	<u>12,300</u>
Total Cost of Providing Services	<u>12,300</u>
Total Operating Appropriations	<u><u>\$21,300</u></u>

 (Secretary's Signature)

June 30, 2016
 (Date)

Governing Body Member	Aye	Recorded Vote		
		Nay	Abstain	Absent

INTRODUCED BY: Arthur Soto

SECONDED BY: Delis P. Santana

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Adopted on June 30, 2016

PASSAIC REDEVELOPMENT AGENCY

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

**PASSAIC REDEVELOPMENT AGENCY
RESOLUTION # 16-23**

**RESOLUTION AWARDING CONTRACT FOR GENERAL COUNSEL LEGAL
SERVICES FOR TRANSITIONAL YEAR 2016**

WHEREAS, proposals were received by the Director of Purchasing on May 02, 2016 for the Passaic Redevelopment Agency General Counsel; and,

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.; and,

WHEREAS, proposals were received from the following vendors:

- a. Eric M. Bernstein and Associates, LLC; and
- b. Decotis, Fitzpatrick and Cole, LLP

WHEREAS, **Eric M. Bernstein and Associates**, LLC has been performing these services for the Redevelopment Agency for the prior year in a satisfactory manner; and,

WHEREAS, the Executive Director has reviewed the responses and has recommended Eric M. Bernstein and Associates, LLC based on qualification, past experience and cost; and,

NOW THEREFORE BE IT RESOLVED by the Passaic Redevelopment Agency that the contract for General Counsel be awarded to Eric M. Bernstein and Associates, LLC. as specified in the attached contract.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for General Counsel Legal Services to Eric M. Bernstein and Associates, LLC in an amount not to exceed \$15,000 for a period July 1, 2016 through December 31, 2016 for General Counsel services; and, services related to specific redevelopment projects paid from developer escrow funds shall not be counted toward the \$15,000 contract ceiling.

CERTIFICATION OF FUNDS R-16-55-606-000-028

I certify that funds are available in the Redevelopment Agency Account.

ORIGINAL SIGNATURE ON FILE
Chief Financial Officer

INTRODUCED BY: Arthur Soto

SECONDED BY: Peter Cedeno-Castro

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

June 30, 2016
 Date

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

**PASSAIC REDEVELOPMENT AGENCY
 RESOLUTION # 16-24**

**RESOLUTION AWARDING CONTRACT FOR BUDGET, AUDIT AND
 FINANCIAL ADVISORY SERVICES FOR TRANSITIONAL YEAR 2016**

WHEREAS, proposals were received by the Director of Purchasing on May 20, 2016 for the Passaic Redevelopment Agency Budget, Audit and Financial Advisory Services; and,

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.; and,

WHEREAS, proposals were received from the following vendors:

- a. Lerch Vinci & Higgins, LLP

WHEREAS, Lerch Vinci & Higgins, LLP has been performing these services for the Redevelopment Agency for the prior year in a satisfactory manner; and,

WHEREAS, the Executive Director has reviewed the responses and has recommended Lerch Vinci and Higgins, LLC based on qualification, past experience and cost; and,

NOW THEREFORE BE IT RESOLVED by the Passaic Redevelopment Agency that the contract for Budget, Audit and Financial Services be awarded to Lerch Vinci & Higgins, LLP. as specified in the attached contract.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for Audit and Financial Advisory Services to Lerch Vinci & Higgins, LLC an amount not to exceed \$4,300 for a period July 1, 2016 through December 31, 2016; and, services related to specific redevelopment projects paid from developer escrow funds shall not be counted toward the \$4,300 contract ceiling.

CERTIFICATION OF FUNDS R-16-55-606-000-028

I certify that funds are available in the Redevelopment Agency Account.

ORIGINAL SIGNATURE ON FILE
Chief Financial Officer

INTRODUCED BY: Peter Cedeno-Castro

SECONDED BY: Arthur Soto

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

June 30 , 2016
Date

ORIGINAL SIGNATURE ON FILE
Ricardo Fernandez, Executive Director

**PASSAIC REDEVELOPMENT AGENCY
 RESOLUTION # 16-25**

**RESOLUTION ESTABLISHING MEETING DATES
 FOR TRANSITIONAL YEAR 2017**

WHEREAS, the Passaic Redevelopment Agency needs to establish meeting dates for the transitional year 2017.

NOW THEREFORE BE IT RESOLVED by the Passaic Redevelopment Agency that the following are the Agency's regular meeting dates. All meetings are to be held at 7:00pm in the Passaic City Hall 2nd Floor, Mayor's Conference Room, 330 Passaic Street, Passaic, NJ.

July 28, 2016
August 25, 2016
September 22, 2016
October 27, 2016
November 23, 2016 **
December 22, 2016

INTRODUCED BY: Peter Cedeno-Castro

SECONDED BY: Arthur Soto

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			

Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Adopted on: June 30, 2016

ORIGINAL SIGNATURE ON FILE
Ricardo Fernandez, Executive Director

**PASSAIC REDEVELOPMENT AGENCY
RESOLUTION # 16-26**

RESOLUTION AMENDING CONTRACT FOR ENVIRONMENTAL SERVICES

WHEREAS, the Passaic Redevelopment Agency with the approval of Resolution 15-18 at their March 5, 2015 meeting awarded a contract for environmental services to Potomac Hudson Environmental; and

WHEREAS, a contract for a Environmental Services to Potomac Hudson Environmental at hourly rates ranging from \$55.00 to \$200.00 per hour and not to exceed \$6,875.00 for a period March 5, 2015 through March 4, 2016 was executed; and,

WHEREAS, the scope of service changed due to the complex nature of the environmental conditions at the site; and

WHEREAS, the Passaic Redevelopment Agency with the approval on January 28, 2016 of Resolution 16-16 amended the contract that the contract for environmental services to a maximum not to exceed amount of \$35,000.00; and

WHEREAS, Redevelopment Agency Special Legal Counsel required the additional work to be performed in order to continue his efforts related to acquiring the property; and

WHEREAS, the Redeveloper, who has posted escrow funds for professional services including the environmental services is in agreement with expanding the services in accordance with the recommendation of the Special Legal Counsel;

NOW THEREFORE BE IT RESOLVED by the Passaic Redevelopment Agency that the contract for environmental services be amended to a maximum not to exceed amount of \$50,000.00.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute an amendment to the contract.

CERTIFICATION OF FUNDS

I certify that funds are available in the Redevelopment Agency Account N16-56-000-854-LNX.

ORIGINAL SIGNATURE ON FILE
 Chief Financial Officer

INTRODUCED BY: Arthur Soto

SECONDED BY: Peter Cedeno-Castro

	For	Against	Abstain	Absent
Chair David Spector				X
Vice Chair Peter Cedeno-Castro	X			
Commissioner William Diaz				X
Commissioner Chaim Munk				X
Commissioner Delis P. Santana	X			
Commissioner Arthur Soto	X			
Commissioner Angel Torres	X			

Date: June 30, 2016

ORIGINAL SIGNATURE ON FILE
 Ricardo Fernandez, Executive Director

VIII. NO CLOSED SESSION ITEMS FOR DISCUSSION

IX. UPDATES BY EXECUTIVE DIRECTOR RICARDO FERNANDEZ

217 Brook Avenue

They will hopefully be moving very quickly and have their application before the board shortly.

2 Market Street

We are currently amending the eastside redevelopment plan for this project. They have negotiated them giving the land back to the City for a river walk. Because of this negotiations we are forced to change the plan which will be heard in front of the council on July 19. It is currently going to the planning board for their review and recommendation.

663 Main Avenue

They have successfully negotiated an agreement with the Board of Education, and are awaiting hard copies of the lease agreements. They are in the middle of closing on the UEZ loan and grant which will allow them to speed up the work on the exterior windows.

Old St. Mary's / Pennington Avenue

They are still trying to determine exactly what numbers and what plans they want to submit before the municipality. Due to law restrictions we cannot introduce the ordinance to amend the plan in one budget year and finalize in another, therefore we had wait until after July 1st to continue with the process.

220 Passaic Street / Sharut site

Is actively moving. They demolished several buildings. We are very excited about that.

United Water / 125 South Street Hoofman Koos

We are still in the midst of negotiations with United Water, we are very, very close but the delay is due to the communication with their main headquarters which is in France. The good thing is that once that is completed, it allows the other project on 125 South Street Hoffman Koos to start construction. Due to some conditional items they will have to go get a final site plan approval from the Planning board before starting construction.

Planning Grants

The city has been very successful at getting planning grants from the State and the County to redo the entire length of Market Street. We are currently working on making it a destination. We had a couple of walk-thru with several agencies from the State and they seem really excited about this project. We anticipate to see some type of construction by this time next year.

Pantasote

They are still in the midst of negotiations with the property owner. Because there is a possible lawsuit, there is nothing else we can share. They are definitely actively working to get the site developed.

585 Main Avenue

They are finally starting to lease their property. This was a revived project and after many years of negotiations they obtained their CO and it is now occupied.

Main Avenue / Board of Education Property

The City is still in negotiations with the Department of Education in regards to deeding back the Main Avenue commercial portion of their property.

Old Juvenile Building - Linden and Broadway

We have moved the offices for the Juvenile division into the old EMS building. We are currently developing a redevelopment plan and upon completion we will be soliciting developers to develop that property.

XI. ADJOURNMENT

Moved: Arthur Soto
Seconded: Delis P. Santana
For: 4 Against: 0 Abstain: 0 Not Present: 3

Respectfully Submitted,

Asenett Martin
Secretary

XI. ADJOURNMENT

Moved: Arthur Soto
Seconded: Delis P. Santana
For: 4 Against: 0 Abstain: 0 Not Present: 3

Respectfully Submitted,



Asenett Martin
Secretary