

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N. J.

Tuesday Evening
August 2, 2011
7:15 p.m.

A special meeting of the City Council was held this afternoon in Room #307, City Hall, pursuant to the following call by President Joseph Keenan:

July 28, 2011

MAYOR; MEMBERS OF CITY COUNCIL; CITY ATTORNEY;
BUSINESS ADMINISTRATOR; CHIEF FINANCIAL OFFICER

Ladies and Gentlemen:

A special meeting has been called for Tuesday evening on, August 2, 2011, at 7:15 p.m., in Room #307, City Hall, Elizabeth, New Jersey, for the purpose of considering long term tax abatement agreements with the Westminster Heights Urban Renewal, LLC., c/o Community Investment Strategies, for the renovation of 380 Irvington Avenue and the addition of a new structure at 400 Irvington Avenue; and with The Oaks at Westminster Urban Renewal, LLC., c/o Community Investment Strategies, for the renovation of 350 Irvington Avenue; and with Brand New Day for the renovation of 170-174 First Street, 201 First Street, 101 Broadway, and a Resolution of Need from the municipality.

Formal action is contemplated.

By Order of President Joseph Keenan

Yolanda M. Roberts, R.M.C.
City Clerk

President Keenan announced that notice of this special meeting was mailed or delivered to the Star Ledger, Home News & Tribune, and Cablevision of Elizabeth, and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chap. 231, P.L. 1975 on December 15, 2010.

PRESENT: Council Members-at-Large: [REDACTED], Frank J. Cuesta,
Edward Jackus;
Council Members: Manny Grova, Jr., 1st Ward ; Nelson Gonzalez, 2nd Ward;
Carlos Cedeno, 4th Ward; [REDACTED], 5th Ward; Frank O. Mazza, 6th
Ward, and President Joseph Keenan, 3rd Ward; - ~~7~~ 7

ABSENT: Perkins-Auguste; Gallman - 2

ALSO PRESENT: William R. Holzapfel, City Attorney; Anthony M. Zengaro, CFO

NOTE: Councilman Gonzalez arrived at the meeting at 7:20 p.m. and assumed his seat.

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PUBLIC SPEAKING

There being no one present who desired to be heard, Council President Keenan declared the public speaking portion of the meeting closed.

PUBLIC HEARING

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4231**, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH WESTMINSTER HEIGHTS URBAN RENEWAL, L.L.C., FOR A LONG TERM TAX-EXEMPTION FOR THE SUBSTANTIAL REHABILITATION OF THE BUILDING LOCATED AT 380 IRVINGTON AVENUE AND DEMOLITION AT 400 IRVINGTON AVENUE, AND NEW CONSTRUCTION OF 24 UNITS AT THE REAR OF THE PROPERTY LOCATED ON BLOCK 11, LOTS 451 AND 1199A.

This ordinance was adopted on its first reading at special meeting of City Council held on **July 19, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 23, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4232** , entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH OAKS AT WESTMINSTER URBAN RENEWAL, L.L.C. FOR A LONG TERM TAX-EXEMPTION FOR THE SUBSTANTIAL RENOVATION OF THE BUILDING LOCATED AT 350 IRVINGTON AVENUE, LOCATED ON BLOCK 11, LOTS 451 AND 1199A

This ordinance was adopted on its first reading at special meeting of City Council held on **July 19, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 23, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan

asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one present who desired to be heard, Council President

Keenan declared the public hearing portion of the meeting closed.

ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4234** , which was seconded by Councilman Cuesta, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH RENAISSANCE APARTMENTS URBAN RENEWAL, LLC FOR A LONG TERM TAX ABATEMENT FOR THE BUILDINGS LOCATED AT 136-142 FIRST STREET, 201-203 FIRST STREET, 170-174 FIRST STREET AND 176 FIRST STREET (BLOCK/LOT: 2-360, 1-105, 1-121 & 1-122, RESPECTIVELY), THE PRESERVATION AND RENOVATION OF A TOTAL OF FORTY-FOUR (44) AFFORDABLE HOUSING UNITS AND A COMMUNITY SERVICE FACILITY.

The Clerk read the foregoing ordinance.

The ordinance was then adopted on its first reading by the following vote:

AFFIRMATIVE: [REDACTED] Cuesta, Jackus,
Grova, [REDACTED], Cedeno, [REDACTED], Mazza,
and President Keenan - **14 6**

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, August 23, 2011 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct a public hearing and further consider the foregoing Ordinance No. 4234, adopted on first reading.

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ORDINANCE ON FINAL PASSAGE

Council President Keenan announced that the next business in order would be the adoption of Ordinance No. 4231, which was seconded by Councilman Cuesta, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH WESTMINSTER HEIGHTS URBAN RENEWAL, L.L.C., FOR A LONG TERM TAX-EXEMPTION FOR THE SUBSTANTIAL REHABILITATION OF THE BUILDING LOCATED AT 380 IRVINGTON AVENUE AND DEMOLITION AT 400 IRVINGTON AVENUE, AND NEW CONSTRUCTION OF 24 UNITS AT THE REAR OF THE PROPERTY LOCATED ON BLOCK 11, LOTS 451 AND 1199A.

WHEREAS, the property in question has been declared an area in need of redevelopment; and,

WHEREAS, the City Council of the City ("City Council") adopted an Ordinance on June 21, 2011 approving a redevelopment plan for the revitalization and redevelopment of the Project Site (the "Redevelopment Plan"); and

WHEREAS, Westminster Heights Urban Renewal, L.L.C. (the "Entity") will cause the building located at 380 Irvington Avenue, Block 11, Lots 451 and 1199A, to be substantially renovated with new windows, roofs, HVAC, electric, and plumbing systems and the reconfiguration of the floor plan to allow more direct access improving security measures (the "Project"); and

WHEREAS, Westminster Heights Urban Renewal, L.L.C. will cause the building located 400 Irvington Avenue, block 11, Lot 451 and 1199A, to be demolished entirely and replaced with twenty-four (24) townhouse style units at the rear of the property.

WHEREAS, the Project will conform to the Redevelopment Plan and all applicable municipal zoning ordinances, to the extent it contains provisions that are relevant to the Project, and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, the City may enter into a financial agreement with the Entity governing payments made to the City in lieu of real estate taxes on the Project pursuant to the provisions of the Long Term Tax Exemption Law (statutory citation N.J.S.A. 40A:20-1 et seq. – the "LTTE" Law); and

WHEREAS, the provisions of the LTTE Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the LTTE Law), to be paid by the Entity to the City; and

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Entity filed an application with the City for approval of a long term tax exemption for the Project, including a form of financial agreement on file in the office of the City Clerk; and

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WHEREAS, the proposed form of financial agreement sets forth the terms and conditions under which the Entity and the City shall carry out their respective obligations with respect to payment of the Annual Service Charge by the Entity for the Project; and

WHEREAS, the Mayor, together with counsel for the City, has reviewed the Application and found that it complies with the provisions of the LTTE Law; and

WHEREAS, the Mayor together with counsel for the City, has reviewed the terms of the proposed financial agreement (the "Financial Agreement") and has recommended that the Application be approved and the Financial Agreement, a copy of which has been filed with the City Clerk, be executed; and

WHEREAS, the City Council finds that the relevant benefits of the Project to the redevelopment of the redevelopment area, outweigh the cost associated with granting the Long Term Tax-Exemption; and

WHEREAS, the City Council has determined that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and assist the Redeveloper in meeting the City's affordable housing needs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth as follows:

1. The Application filed by the Entity is hereby approved.
2. The Mayor of the City is hereby authorized to execute the Financial Agreement substantially in the form as it has been presented to the City Council subject to modification or revision deemed necessary and appropriate in consultation with counsel.
3. The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 2 hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.
4. The City Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the LTTE Law.
5. This ordinance shall take effect in accordance with law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held .
July 19, 2011.

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 23, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: [redacted], Cuesta, Jackus,
Grova, Gonzalez, Cedeno, [redacted], Mazza,
and President Keenan - **7**

NEGATIVE: None

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Council President Keenan announced that the next business in order would be the adoption of Ordinance No. 4232, which was seconded by Councilman Cuesta, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH OAKS AT WESTMINSTER URBAN RENEWAL, L.L.C. FOR A LONG TERM TAX-EXEMPTION FOR THE SUBSTANTIAL RENOVATION OF THE BUILDING LOCATED AT 350 IRVINGTON AVENUE, LOCATED ON BLOCK 11, LOTS 451 AND 499A

WHEREAS, the property in question has been declared an area in need of redevelopment; and

WHEREAS, the City Council of the City (“City Council”) adopted an Ordinance on June 21, 2011 approving a redevelopment plan for the revitalization and redevelopment of the Project Site (the “Redevelopment Plan”); and

WHEREAS, Oaks at Westminster Urban Renewal, L.L.C. (the “Entity”) will cause the building located at 350 Irvington Avenue, Block 11, Lots 451 and 1199A, to be substantially renovated, including new kitchens, baths, HVAC, windows and Green Building components and the reconfiguration of the floor plan to allow greater access, thus improving security measures. (the “Project”); and

WHEREAS, the Project will conform to the Redevelopment Plan and all applicable municipal zoning ordinances, to the extent it contains provisions that are relevant to the Project, and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the quality of life of residents in and around the Project and to create jobs, the City may enter into a financial agreement with the Entity governing payments made to the City in lieu of real estate taxes on the Project pursuant to the provisions of the Long Term Tax Exemption Law (statutory citation N.J.S.A. 40A:20-1 et seq. – the “LTTE” Law); and

WHEREAS, the provisions of the LTTE Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the LTTE Law), to be paid by the Entity to the City; and

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Entity filed an application with the City for approval of a long term tax exemption for the Project, including a form of financial agreement on file in the Office of the City Clerk; and

WHEREAS, the proposed form of financial agreement sets forth the terms and conditions under which the Entity and the City shall carry out their respective obligations with respect to payment of the Annual Service Charge by the Entity for the Project; and

WHEREAS, the Mayor, together with counsel for the City, has reviewed the Application and found that it complies with the provisions of the LTTE Law; and

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WHEREAS, the Mayor together with counsel for the City, has reviewed the terms of the proposed financial agreement (the "Financial Agreement") and has recommended that the Application be approved and the Financial Agreement, a copy of which has been filed with the City Clerk, be executed; and

WHEREAS, the City Council finds that the relevant benefits of the Project to the redevelopment of the redevelopment area, outweigh the cost associated with granting the Long Term Tax-Exemption; and

WHEREAS, the City Council has determined that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and will assist the Redeveloper in meeting the City's affordable housing needs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth as follows:

1. The Application filed by the Entity is hereby approved.
2. The Mayor of the City is hereby authorized to execute the Financial Agreement substantially in the form as it has been presented to the City Council subject to modification or revision deemed necessary and appropriate in consultation with counsel.
3. The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 2 hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.
4. The City Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the LTTE Law.
5. This ordinance shall take effect in accordance with law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held .

July 19, 2011.

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of

July 23, 2011.

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: [REDACTED], Cuesta, Jackus,
Grova, Gonzalez, Cedeno, [REDACTED], Mazza,
and President Keenan - **7**

NEGATIVE: None

NEW BUSINESS

BY THE CITY COUNCIL AS A WHOLE:

RESOLUTION OF NEED

WHEREAS, the Director of Planning and Community Development has requested a finding that there is a need for the housing project described below; and

WHEREAS, Renaissance Apartments Urban Renewal, LLC (hereinafter named as the Sponsor) proposes to rehabilitate 44 units of housing on three sites for households earning income of 50% or less than the median income of the area and that twenty of these units will be restricted to young adults who are aging out of foster care, runaway youth and reentry youth programs (hereinafter referred to as the Project) pursuant to the provisions of the New Jersey Housing and Finance Agency Law of 1983, as amended (NJS 55:14K-1, et seq), the rules promulgated thereunder at NJAC 5:80-1.1, et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the HMFA Requirements) within the City of Elizabeth, (hereinafter referred to as the Municipality) on three sites located at 107-104 First Street, 201 First Street and 101 Broadway, New Jersey; and

WHEREAS, pursuant to the HMFA requirements, the governing body of the municipality hereby determines that there is a need for this housing Project in the Municipality; now therefore be it, RESOLVED, by the City Council of the City of Elizabeth (the Council) that,

1. The Council finds and determines that the Renaissance Apartments Project, a rehabilitation of 44 units of housing on three sites located at 170-174 First Street, 201 First Street and 101 Broadway, for households earning income of 50% or less than the median income of the area and that twenty of these units will be restricted for young adults who are aging out of foster care, runaway youth and reentry youth programs proposed by the Sponsor meets an existing housing need in this City ; and
2. Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA law and its requirements to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], Cuesta, Jackus,
Grova, Gonzalez, Cedeno, [redacted], Mazza,
and President Keenan - 7

NEGATIVE: None

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at

7: 21 p.m.

APPROVED

JOSEPH KEENAN
President of City Council

YOLANDA M. ROBERTS, R.M.C.
City Clerk