

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
BOARD OF COMMISSIONERS

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

Roosevelt School
4507 Hudson Avenue
Union City, New Jersey

Thursday, January 23, 2014
Commencing at 6:00 p.m.

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

BRIAN P. STACK, MAYOR
LUCIO P. FERNANDEZ, COMMISSIONER
MARYURY A. MARTINETTI, COMMISSIONER
CELIN VALDIVIA, COMMISSIONER

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

TILO E. RIVAS, COMMISSIONER

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

LAURA M. MILLER, ACTING CITY CLERK

SCARINCI HOLLENBECK
BY: CHRISTINE M. VANEK, ESQ.
Corporation Counsel

GREGORY T. FARMER, ESQ.
Alcohol Beverage Control Commission

A P P E A R A N C E S:

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant,
Los Precios Corporation

IVAN PANEQUE, ESQ.,
Attorney for Osmara Paneque

MARY KHELLAH, ESQ.,
Appearing on behalf of George B. Campen, Esq.
Attorney for Ravi Varma

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1 (Whereupon, the Pledge of Allegiance was
2 said.)

3

4 ACTING CITY CLERK: This is a call to order
5 a Regular Public Meeting of the Union City Board
6 of Commissioners being held on Thursday, January
7 23rd, 2014, at six p.m., at Roosevelt School,
8 4507 Hudson Avenue, Union City, New Jersey.

9 This meeting has been called in accordance
10 with Chapter 231, Public Law of 1975, the Open
11 Public Meetings Act.

12 Adequate notice of this meeting has been
13 provided as follows:

14 Notice of this meeting setting forth the
15 time, date, location, and the agenda to the
16 extent known was forwarded to The Jersey Journal,
17 The Record, and The Hudson Reporter, has been
18 posted on the bulletin board in City Hall, and
19 has been made available to the public in the
20 Office of the Municipal Clerk.

21

22 **ROLL CALL:**

23

24 ACTING CITY CLERK: Roll call for this
25 evening, please.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Here.

3 ACTING CITY CLERK: Commissioner Rivas is
4 absent.

5 Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Present.

7 ACTING CITY CLERK: Commissioner
8 Martinetti?

9 COMMISSIONER MARTINETTI: Here.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Here.

12

13 **APPROVAL OF PREVIOUS MEETING MINUTES:**

14

15 ACTING CITY CLERK: The first item on the
16 agenda is the approval of previous meeting
17 minutes of the Board of Commissioners Meetings
18 held on December 17th, 2013 and January 7, 2014.

19 Is there a motion to approve --

20 MAYOR STACK: Motion.

21 ACTING CITY CLERK: -- both sets of
22 minutes?

23 Motion made by --

24 COMMISSIONER MARTINETTI: Second.

25 ACTING CITY CLERK: -- Mayor Stack.

1 Seconded by Commissioner Martinetti.

2 Second for this evening is the Consent
3 Agenda. These are items --

4 MS. DILLON: Roll call.

5 MS. VANEK: I'm sorry, we need the roll
6 call.

7 MAYOR STACK: We don't have to vote on
8 that?

9 We have to vote on that.

10 ACTING CITY CLERK: Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes on December
13 17th, and I recuse on January 7th. Otherwise,
14 yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 ACTING CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22

23 **CONSENT AGENDA:**

24

25 (1) Resolution Approving the Payment of Claims

1 (2) Resolution Approving the Payment of
2 Concurring Claims

3 (3) Resolution Approving the City Payroll for
4 the Period of December 31, 2013 through January
5 13, 2014

6 (4) Resolution Approving the Library Payroll
7 for the Period of December 31, 2013 through
8 January 13, 2014

9 (5) Resolution Ratifying the Creation of the
10 North Bergen (sic) Regional Council of Mayors and
11 the City of Union City's Participation Therein
12 Nunc Pro Tunc Since 1973

13 (6) Resolution Ratifying License Agreement with
14 the New Jersey Schools Development Authority

15 (7) Resolution Confirming Disciplinary Action
16 against Liquor License No. 0910-33-021-008 held
17 by La Jor Per Corp. t/a California Café
18 Restaurant, 2002 Bergenline Avenue

19 (8) Resolution Approving Amendment to the
20 Contracts with BSN Sports and Stan's Sport Center
21 Inc., for Wrestling Equipment

22 (9) Resolution Amending Settlement in Workers'
23 Compensation Matters Involving Michelle Strich

24 (10) Resolution Approving Shared Services
25 Agreement with West New York for Health Officer

1 Services

2 (11) Resolution Urging the State of New Jersey
3 and the New Jersey Turnpike Authority Not to
4 Privatize Toll Worker Jobs

5 (12) Resolution Authorizing the Refund of
6 Premium Monies Collected at the Tax Sale

7 (13) Resolution Authoring Refund of Redemption
8 Monies to Outside Lienholders

9 (14) Resolution Cancelling Taxes on Abated
10 Property

11 (15) Resolution Authorizing the Refund of an
12 Overbill for 2013 Taxes

13 (16) Any other matter of City business that may
14 arise

15

16 ACTING CITY CLERK: Next is a Consent
17 Agenda. These are items which could be approved
18 by one vote.

19 There are 15 items on the Consent Agenda
20 for the Board's consideration tonight. They are
21 as follows:

22 Number 1.

23 Resolution approving the payment of claims.

24 Number 2.

25 Resolution approving the payment of

1 | concurring claims.

2 | Number 3.

3 | Resolution approving the City payroll for
4 | the period of December 31st, 2013 through January
5 | 13, 2014.

6 | Number 4.

7 | Resolution approving the library payroll
8 | for the period of December 31st, 2013 through
9 | January 13th, 2014.

10 | Number 5.

11 | Resolution ratifying the creation of the
12 | North Bergen (sic) Regional Council of Mayors and
13 | the City of Union City's participation therein,
14 | Nunc Pro Tunc, since 1973.

15 | Number 6.

16 | Resolution --

17 | MAYOR STACK: That should read -- that
18 | should read North Hudson.

19 | ACTING CITY CLERK: North Hudson --

20 | MAYOR STACK: North Hudson Regional Council
21 | of Mayors.

22 | Isn't that, Christine?

23 | MS. VANEK: Yes. I'll verify it.

24 | ACTING CITY CLERK: The Resolution --

25 | I checked the draft Resolution, and it did

1 say North Bergen. So, I copied it from the draft
2 Resolution.

3 MAYOR STACK: There's no such thing,
4 though, as North Bergen.

5 ACTING CITY CLERK: Okay. Let the record
6 reflect --

7 MAYOR STACK: It's North Hudson.

8 ACTING CITY CLERK: -- North Hudson.
9 Number 6.

10 Resolution ratifying license agreement with
11 the New Jersey Schools Development Authority.

12 Number 7.

13 Resolution confirming disciplinary action
14 against liquor license number 0910-33-021-008
15 held by La Jor Per Corp., trading as California
16 Café Restaurant, 2002 Bergenline Avenue.

17 Number 8.

18 Resolution approving amendment to the
19 contract with BSN Sports and Stan's Sport Center,
20 Incorporated, for wrestling equipment.

21 Number 9.

22 Resolution amending settlement in Workers'
23 compensation matters involving Michelle Strich.

24 Number 10.

25 Resolution approving shared services

1 agreement with West New York for Health Officer
2 Services.

3 Number 11.

4 Resolution urging the State of New Jersey
5 and the New Jersey Turnpike Authority not to
6 privatize toll worker jobs.

7 Number 12.

8 Resolution authorizing the refund of
9 premium monies collected at the tax sale.

10 Number 13.

11 Resolution authorizing refund of redemption
12 monies to outside lienholders.

13 Number 14.

14 Resolution cancelling taxes on abated
15 property.

16 And number 15.

17 Resolution authoring the refund of an
18 overbill for 2013 taxes.

19 MAYOR STACK: Anyone wishing to comment on
20 the Consent Agenda, please step forward. State
21 your name and address, for the record.

22 Seeing none.

23 ACTING CITY CLERK: Motion to close public
24 comment made by Mayor Stack.

25 COMMISSIONER MARTINETTI: Second.

1 ACTING CITY CLERK: Seconded by
2 Commissioner Martinetti.

3 Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes, with the
6 exception to number 2, in respect to the
7 Redevelopment Agency.

8 Otherwise, yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16 ACTING CITY CLERK: Is there a motion to
17 approve all items on the Consent Agenda?

18 COMMISSIONER VALDIVIA: Motion.

19 ACTING CITY CLERK: Motion by Commissioner
20 Valdivia.

21 COMMISSIONER MARTINETTI: Second.

22 ACTING CITY CLERK: Second by Commissioner
23 Martinetti.

24 Roll call.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Yes. Again,
2 except for number 2, as it pertains to the
3 Redevelopment Agency.

4 Otherwise, yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner
8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12

13 **ORDINANCE (S) FOR INTRODUCTION**

14

15 (1) An Ordinance Amending Chapter 155 of the
16 Code of Union City Entitled "Fees"

17 (2) An Ordinance Amending the Parking
18 Provisions of Section 223 of the City Code to
19 Permit Parking in Certain Required Front Yards

20

21 ACTING CITY CLERK: Next on the agenda are
22 Ordinances for Introduction.

23 There are two Ordinances for Introduction
24 this evening.

25 Ordinance for introduction number 1 will be

1 further considered at a meeting of the Board of
2 Commissioners to be held February 4th, 2014 at
3 Washington School, 3905 New York Avenue, Union
4 City, New Jersey.

5 Ordinance for introduction number 2 will be
6 further considered at a meeting of the Board of
7 Commissioners to be held March 18th, 2014, at the
8 Union City High School, 2500 Kennedy Boulevard,
9 Union City, New Jersey.

10 Ordinance for Introduction Number 1 is an
11 Ordinance Amending Chapter 155 of the Code of
12 Union City Entitled Fees.

13 Is there a motion to introduce?

14 MAYOR STACK: Motion.

15 ACTING CITY CLERK: Motion made by Mayor
16 Stack.

17 COMMISSIONER VALDIVIA: Second.

18 ACTING CITY CLERK: Second by Commissioner
19 Valdivia.

20 Roll call.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 ACTING CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 ACTING CITY CLERK: Commissioner

1 Martinetti?

2 COMMISSIONER MARTINETTI: Yes.

3 ACTING CITY CLERK: Mayor Stack?

4 MAYOR STACK: Yes.

5

6 **ORDINANCE (S) FOR INTRODUCTION**

7

8 (2) An Ordinance Amending the Parking
9 Provisions of Section 223 of the City Code to
10 Permit Parking in Certain Required Front Yards
11

12 ACTING CITY CLERK: The second Ordinance
13 for Introduction is an Ordinance Amending the
14 Parking Provisions of Section 223 of the City
15 Code to Permit Parking in Certain Required Front
16 Yards.

17 MAYOR STACK: I'll move it.

18 ACTING CITY CLERK: Motion made by Mayor
19 Stack.

20 COMMISSIONER VALDIVIA: Second.

21 ACTING CITY CLERK: Seconded by
22 Commissioner Valdivia.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 ACTING CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Commissioner
4 Martinetti?

5 COMMISSIONER MARTINETTI: Yes.

6 ACTING CITY CLERK: Mayor Stack?

7 MAYOR STACK: Yes.

8

9 **REGULAR AGENDA**

10

11 (1) Resolution Approving the Redevelopment
12 Agency Payroll for the Period of December 31,
13 2013 through January 13, 2014

14

15 ACTING CITY CLERK: Next before the Board
16 is the Regular Agenda.

17 Item Number 1 on the Regular Agenda is a
18 Resolution Approving the Redevelopment Agency
19 Payroll for the Period of December 31st, 2013
20 through January 13th, 2014.

21 MS. VANEK: Mayor, we recommend that
22 Commissioner Mart -- that Commissioner Fernandez
23 recuse himself from this matter.

24 MAYOR STACK: I'll move it.

25 COMMISSIONER VALDIVIA: Second.

1 ACTING CITY CLERK: Okay.

2 Roll call.

3 Commissioner Fernandez, recusing.

4 Commissioner Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 ACTING CITY CLERK: Commissioner
7 Martinetti?

8 COMMISSIONER MARTINETTI: Yes.

9 ACTING CITY CLERK: Mayor Stack?

10 MAYOR STACK: Yes.

11

12 **REGULAR AGENDA**

13

14 (2) Resolution Authorizing Temporary Emergency
15 Appropriations

16

17 ACTING CITY CLERK: Number 2 on the Regular
18 Agenda is a Resolution Authorizing Temporary
19 Emergency Appropriations.

20 MS. VANEK: Mayor, we recommend that
21 Commissioner Fernandez recuse himself on the
22 Redevelopment Agency appropriation; that
23 Commissioner Martinetti recuse herself on the
24 Construction Code appropriation; and typically,
25 we would recommend that Commissioners Fernandez,

1 Martinetti and Valdivia recuse themselves on the
2 Board of Education appropriations, however, under
3 the Doctrine of Necessity, we recommend that
4 Commissioner Martinetti and Commissioner Valdivia
5 vote on that item.

6 MAYOR STACK: I'll move it.

7 ACTING CITY CLERK: Motion made by Mayor
8 Stack.

9 COMMISSIONER VALDIVIA: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Valdivia.

12 Roll call.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes, with the
15 exception of the Board of Education and
16 Redevelopment Agency.

17 Otherwise, yes.

18 ACTING CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 ACTING CITY CLERK: Commissioner
21 Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 ACTING CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25 MS. VANEK: And for the record, the

1 affirmative votes by Commissioner Valdivia and
2 Commissioner Martinetti is subject to the
3 recusals placed on the record.

4

5 **REGULAR AGENDA**

6

7 (3) Resolution Approving Shared Services
8 Agreement with the Union City Board of Education
9 for Transportation Services

10

11 ACTING CITY CLERK: Number 3 is a
12 Resolution Approving Shared Services Agreement
13 with the Union City Board of Education for
14 Transportation Services.

15 MS. VANEK: Mayor, we recommend that
16 Commissioner Martinetti and Commissioner Valdivia
17 vote on this item, and Commissioner Fernandez
18 recuse, since this is a Board of Education issue.

19 MAYOR STACK: I'll move it.

20 ACTING CITY CLERK: Motion by Mayor Stack.

21 COMMISSIONER VALDIVIA: Second.

22 ACTING CITY CLERK: Second by Commissioner
23 Valdivia.

24 Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 ACTING CITY CLERK: Commissioner
2 Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 ACTING CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6

7 **REGULAR AGENDA**

8

9 (4) Resolution Approving Shared Services
10 Agreement with the Union City Board of Education
11 for Ambulance Services

12

13 ACTING CITY CLERK: Number 4 is a
14 Resolution Approving Shared Services Agreement
15 with the Union City Board of Education for
16 Ambulance Services.

17 MS. VANEK: Again, Mayor, we would
18 typically recommend that Commissioners Fernandez,
19 Martinetti and Valdivia recuse. However, under
20 the Doctrine of Necessity, Commissioner
21 Martinetti and Commissioner Valdivia should vote
22 on this item.

23 COMMISSIONER MARTINETTI: Second.

24 MAYOR STACK: Okay.

25 ACTING CITY CLERK: Motion made by Mayor

1 Stack.

2 Second by Commissioner Martinetti.

3 Roll call.

4 Commissioner Fernandez?

5 MS. DILLON: He's recusing.

6 COMMISSIONER MARTINETTI: Recuse.

7 ACTING CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner

10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14

15 **REGULAR AGENDA**

16

17 (5) Resolution Canceling Lien on 540 28th

18 Street

19 (6) Any other matter of City business that may

20 arise

21

22 ACTING CITY CLERK: Number 5 is a

23 Resolution Cancelling a Lien on 540 28th Street.

24 MS. VANEK: Mayor, we recommend that

25 Commissioner Martinetti recuse himself on this

1 item.

2 ACTING CITY CLERK: Is there a motion to
3 approve item number 5?

4 COMMISSIONER VALDIVIA: Motion.

5 MAYOR STACK: Motion.

6 ACTING CITY CLERK: Motion by Commissioner
7 Valdivia.

8 Is there a second?

9 COMMISSIONER FERNANDEZ: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Fernandez.

12 Roll call.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti, recusing.

19 Mayor Stack?

20 MAYOR STACK: Yes.

21

22 **OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:**

23

24 ACTING CITY CLERK: Next on the agenda is
25 an opportunity for citizens to address the Board.

1 MAYOR STACK: Anyone wishing to address the
2 Board at this time? Please step forward. State
3 your name and address for the record.

4 Seeing none.

5 ACTING CITY CLERK: Motion to close the
6 public comment portion of the meeting made --

7 COMMISSIONER FERNANDEZ: Second.

8 ACTING CITY CLERK: -- by Mayor Stack.

9 COMMISSIONER FERNANDEZ: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Fernandez.

12 Roll call.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 ACTING CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22 * * *

23

24

25

1 **APPLICATION REGARDING LIQUOR LICENSE #0901-43-**
2 **079-007 FOR A PLACE TO PLACE TRANSFER (FROM A**
3 **POCKET LICENSE TO 2817 BERGENLINE AVENUE) AND A**
4 **PERSON TO PERSON TRANSFER (FROM OSMARA PANEQUE TO**
5 **LOS PRECIOS CORP.**

6
7 ACTING CITY CLERK: Next on the agenda is
8 an Application Regarding Liquor License Number
9 0901-43-079-007 for a Place to Place Transfer
10 from a Pocket License to 2817 Bergenline Avenue
11 and a Person to Person Transfer from Osmara
12 Paneque to Los Precios Corporation.

13 MAYOR STACK: You both stand over here.
14 Maybe --

15 MS. DILLON: Can I ask you to come over
16 here?

17 Sir?

18 MR. PANEQUE: Sure.

19 MS. DILLON: I need you to come by the
20 microphone.

21 MR. PANEQUE: Sure.

22 MS. DILLON: It's a large room.

23 MR. PANEQUE: Yes.

24 Good evening.

25 Ivan Paneque on behalf of Tomas R. Paneque,

1 | who couldn't be here tonight.

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

4 | MR. PANEQUE: And our client is Osmara
5 | Paneque.

6 | There was a Resolution dated December 3rd,
7 | 2013 granting authority for the estate to
8 | transfer to the wife. However, the State
9 | Division of Alcohol and Beverage Control needs
10 | the Resolution to have a paragraph allowing it --
11 | the transfer to be effective, retroactive to June
12 | 30th, 2012.

13 | MAYOR STACK: So, this is -- this is an
14 | application to transfer from --

15 | MS. VANEK: That -- that information was
16 | placed on the Resolution, and it was sent to the
17 | State.

18 | So, that issue has been taken care of.

19 | MR. PANEQUE: That has been taken care of?

20 | MS. VANEK: The transfer application here
21 | is person to person, and place to place.

22 | Person to person aspect is from Osmara
23 | Paneque to Los Precios Corporation.

24 | MR. LOPEZ: And in that -- as far as that
25 | application --

1 MS. DILLON: Your appearance, please.

2 MR. LOPEZ: Yes.

3 As far as that application is concerned --

4 Adolfo Lopez, appearing on behalf of the
5 applicant, Los Precios.

6 MAYOR STACK: Adolfo, you represent?

7 MR. LOPEZ: Los Precios.

8 MAYOR STACK: I got it. Okay.

9 MR. LOPEZ: The grocery store on --

10 MS. DILLON: Just one step closer for me.

11 MR. LOPEZ: The grocery store where we
12 propose to place the pocket license.

13 MAYOR STACK: Okay.

14 MR. LOPEZ: And just for clarification, it
15 is a warm beer license exclusively.

16 MAYOR STACK: Right. And has there always
17 been a license at that location?

18 MR. LOPEZ: There has been.

19 Just for the members, for Commissioners and
20 Mayor Stack, this grocery store has been in
21 existence for over 30 years at the location.

22 The owner -- well, the entity always had a
23 warm beer license. About two years ago, they
24 forgot to renew it.

25 MAYOR STACK: I remember.

1 MR. LOPEZ: And --

2 MAYOR STACK: I remember this.

3 MR. LOPEZ: -- Trenton would not consent --

4 MAYOR STACK: I remember it.

5 MR. LOPEZ: -- to a late renewal of the
6 license. And he has now been without a liquor --
7 without a warm beer license for approximately the
8 past two years.

9 But the place always had a warm beer
10 license, with no violations ever on the old
11 license.

12 MAYOR STACK: Right.

13 MR. LOPEZ: And he has been in business for
14 over 35 years, at the location.

15 He has now proposed to purchase a new warm
16 beer license to cite at this location, and we are
17 here for that transfer.

18 MAYOR STACK: Okay. And Mr. Paneque, you
19 represent --

20 MR. PANEQUE: Yes. I represent Osmara
21 Paneque.

22 MR. LOPEZ: That -- the license was held by
23 her husband --

24 MR. PANEQUE: Yes.

25 MR. LOPEZ: -- at a different location.

1 MR. PANEQUE: Correct.

2 MR. LOPEZ: The husband passed away, and
3 for several years, the license was maintained by
4 the estate.

5 That is not permissible under ABC laws.
6 State ABC requested that the transfer -- we
7 wanted a simultaneous transfer. The State
8 requested that it first be transferred to Osmara,
9 who is the wife.

10 MAYOR STACK: Okay.

11 MR. LOPEZ: The wife currently holds it.
12 It was transferred to her approximately two
13 meetings ago.

14 MAYOR STACK: So, she holds it in pocket
15 status.

16 MR. LOPEZ: She holds it in pocket status.
17 It was not at this location, obviously.

18 MAYOR STACK: Right. She's looking to take
19 that -- just so I got it clear -- she's looking
20 to take it from pocket status, and keep it at
21 2817.

22 MR. LOPEZ: No. No, Mr. Mayor.

23 She is selling it to my client, who will
24 now place it at that -- at the location, at 2817.

25 MAYOR STACK: And where did she have the

1 license at one time? Where was that?

2 MR. PANEQUE: This license -- I want to
3 say, but it wouldn't make sense, the first
4 address that came to mind was -- but I just
5 realized that that would be Weehawken, so that
6 wouldn't make sense, because I know that they had
7 owned a liquor store years ago, so that --

8 But again, I apologize --

9 MAYOR STACK: How many years has it --

10 MR. PANEQUE: -- I'm filling for --

11 MAYOR STACK: -- been in pocket? Do you
12 know?

13 I never got that petition. I -- I would
14 have jumped on that right away. I never got it.
15 I just reached out -- I never got it.

16 MS. VANEK: This one?

17 MR. PANEQUE: I'm trying to look for it.

18 MAYOR STACK: You got the petition? I
19 never got it.

20 MS. VANEK: It's not in there?

21 MAYOR STACK: I never got that. I would
22 have jumped on that right away.

23 I never got that. I only got this. I
24 never got that little --

25 MS. VANEK: You must have another --

1 MAYOR STACK: -- the little folder I got.

2 MS. VANEK: -- there's another -- another
3 meeting file that came up today.

4 MR. LOPEZ: Mr. Mayor, the information that
5 I have on my file doesn't disclose where it was
6 previously placed, but State ABC raised no
7 concerns with the transfer from pocket status.
8 So, they recognized that it was a validly held
9 pocket status license.

10 MAYOR STACK: So, the --

11 MR. LOPEZ: There was never an application
12 -- there was never any type of petition for it to
13 be revoked, because of excessive pocket status.

14 MAYOR STACK: Right. Right.

15 MR. LOPEZ: That never took place.

16 MAYOR STACK: And so, there was always a
17 license there, for thirty-some odd years, you're
18 saying.

19 Right?

20 Then, I remember a couple years ago, he did
21 -- I remember this whole thing. He had a problem
22 with the --

23 MR. LOPEZ: We approved Mr. Farmer --

24 MAYOR STACK: I remember.

25 MR. LOPEZ: -- with the issue --

1 MAYOR STACK: I remember.

2 MR. LOPEZ: -- because it was -- it was
3 never because of a violation. It was simply
4 because he forgot to renew it.

5 MAYOR STACK: Right.

6 MR. LOPEZ: And it was as simple as that.

7 MAYOR STACK: And there was never a mark on
8 that license or anything?

9 No -- no violations, nothing?

10 MR. LOPEZ: Never a single violation on
11 that license.

12 MAYOR STACK: Okay.

13 And the family's owned that establishment
14 for some time now.

15 Right?

16 MR. LOPEZ: More than 30 years.

17 MAYOR STACK: More than 30 years. Right.
18 Okay.

19 MS. VANEK: Mayor, the City has received an
20 objection filed by an attorney named George
21 Campen, on behalf of -- it's about, I would say,
22 maybe, 75 signatories, as well as a nearby liquor
23 store.

24 It was my understanding that he was going
25 to be present today at the meeting.

1 MS. KHELLAH: Yeah. I'm present.

2 MS. VANEK: Oh, you are. I'm sorry.

3 MAYOR STACK: Okay.

4 MS. KHELLAH: Yes, I'm stepping in for Mr.
5 Campen.

6 MS. DILLON: Can you come forward and --

7 MS. KHELLAH: Yes.

8 MS. DILLON: -- put your appearance on the
9 record?

10 MS. KHELLAH: I'm stepping in for Mr.
11 Campen.

12 Mary Khellah, K-H-E-L-L-A-H.

13 We do have additional petitions, as well,
14 that were submitted today, by my client.

15 COMMISSIONER FERNANDEZ: I'm sorry. I
16 could not hear you.

17 MAYOR STACK: I can't -- no, I can't hear
18 you.

19 MS. KHELLAH: I apologize.

20 We do have additional petitions that were
21 brought to me by my client, today, if the Board
22 and your -- Mr. Mayor, you'd like to look at it.
23 They're here for your review.

24 MAYOR STACK: Okay.

25 What is -- what is the objection -- what is

1 the objection to the license going back at this
2 establishment?

3 MS. KHELLAH: Mr. Mayor, well, the thing is
4 that there are two other liquor stores there with
5 a one block radius. Also --

6 MS. DILLON: Keep your voice up for me.

7 MS. KHELLAH: My apologizes.

8 They also have been cited -- to the best of
9 my knowledge -- been cited for cashing out
10 illegal Food Stamps and cashing checks without
11 permits.

12 The store is in a -- I would say, for lack
13 of better words, it's almost gone to waste in
14 regards to the way the --

15 COMMISSIONER FERNANDEZ: I'm sorry. I can
16 barely hear you.

17 MS. KHELLAH: It's almost to waste the way
18 the store is presented.

19 The windows are broken, it's dirty inside
20 the store, there are expired goods on the
21 shelves, and there's just unsanitary conditions
22 completely.

23 It would be hard to believe that the
24 prohibited activities that go along with holding
25 a liquor license would more than likely be

1 | complied with by their client, if so issued by
2 | your -- Mr. Mayor and the Board of Commissioners.

3 | MAYOR STACK: Okay.

4 | Let me ask you this.

5 | How did -- how did you go about getting
6 | these signatures? How was this done?

7 | MR. VARMA: I -- may I speak?

8 | MS. KHELLAH: Yeah.

9 | MAYOR STACK: Sure.

10 | MR. VARMA: Mr. Mayor, yes --

11 | MS. DILLON: What is your name?

12 | MR. VARMA: Ravi Varma.

13 | MS. DILLON: Wait. Wait. Wait.

14 | Slower and spell it for me.

15 | MR. VARMA: Ravi, R-A-V-I, last name Varma,
16 | V-A-R-M-A.

17 | MS. DILLON: V-A-R-M-A?

18 | MR. VARMA: Yeah.

19 | MS. DILLON: Okay.

20 | MR. VARMA: Yes.

21 | MS. DILLON: Speak slowly, please, and keep
22 | your voice up.

23 | MR. VARMA: Yes, ma'am.

24 | I own the Fiji Stores, Fiji In and Out Food
25 | Store and the Fiji Wine and Liquors.

1 And this particular establishment is about
2 less than 200 foot away from my store.

3 And they have been going on -- on this --
4 ongoing lot of issues with this place for the
5 products they sell and -- and whole nine yards.

6 I've been inside the store myself. And
7 there been strong odor of rotting meat and
8 everything.

9 This particular store, as they have
10 mentioned, that it's been there for 35 years.

11 But Mayor, if you look at the store, each
12 and every window is shattered and is holding by
13 the -- the tape.

14 And the way they present themselves, and
15 mind you, I like to keep Union City the way it
16 is. I want to keep it beautiful.

17 And I don't understand if this person is
18 granted to give the -- the permission to sell
19 beer, I -- I don't -- I can't see him having
20 people coming in there for beer.

21 And he's already in a big -- big problem
22 with this establishment.

23 And I have pictures to prove right now,
24 Mayor, and the Board of Commissioners, if you
25 want to see.

1 From his door through all -- throughout.
2 And I've been getting complaints throughout my
3 stores when people come and attend my store.

4 And that is when I got people together and
5 we got all the sig -- signa -- excuse me --
6 signatures.

7 And these are the people living around
8 there. There's approximately about 300 people
9 all together.

10 MAYOR STACK: You sought the petition in
11 your store? You had it in your store, and people
12 would come in and sign it? That's how it was
13 done?

14 MR. VARMA: Well, I had people -- I,
15 myself, went out on the street.

16 MAYOR STACK: Okay.

17 MR. VARMA: I had a couple of people in my
18 store -- in my stores. My people who work for
19 me. They did it for me.

20 And I had my friends, who stay in the area
21 --

22 MAYOR STACK: Right.

23 MR. VARMA: -- walk around and work with me
24 a lot.

25 MAYOR STACK: The reason -- the reason I

1 ask the question is because it's -- I've never
2 really heard any other comments before. And I
3 know we do sanitary inspections.

4 You probably know from owning an
5 establishment.

6 And nothing has been brought to my
7 attention about the inside condition of the
8 store.

9 I always get a little suspect -- and I've
10 got to be honest with you --

11 MR. VARMA: Right.

12 MAYOR STACK: -- when another liquor store
13 opposes another liquor store from coming in, and
14 not even a liquor store, but a warm beer license,
15 because there's a vested interest there --

16 MR. VARMA: Right.

17 MAYOR STACK: -- when a person held the
18 license for many, many years, and he doesn't have
19 it anymore, obviously.

20 MR. VARMA: Right.

21 MAYOR STACK: But he went out and got
22 another license, and they've been there for a
23 long time.

24 MR. VARMA: They held the license before.
25 But when we came in, there was no license after

1 | that.

2 | So, now, they are less than 200 feet away
3 | from my store, too.

4 | MAYOR STACK: Right.

5 | MR. LOPEZ: If I may address some of these
6 | issues, Your Honor?

7 | MS. DILLON: A little closer to the
8 | microphone, please.

9 | MAYOR STACK: Sure. Sure.

10 | MR. LOPEZ: Well, number one, that -- that
11 | is not a basis, whether or not there was a
12 | license placed there when a liquor -- a plenary
13 | retail distribution license was placed at this
14 | gentleman's location, that's not a basis for --
15 | to deny the replacement of another license here.

16 | Mr. Mayor, you're quite right. He has a
17 | business record. It's not a fly by night
18 | operation.

19 | In 35 years, he has not been cited for any
20 | type of violation.

21 | It's very easy to throw around these
22 | allegations, baseless.

23 | There's not a single police report.
24 | There's no official report of any type on file,
25 | saying that they are cashing Food Stamps

1 illegally.

2 There is a strict -- a very strict
3 enforcement by the federal government, USDA,
4 regarding EBT processing.

5 And licenses are immediately revoked if
6 that is the case, if they find any violations.
7 None have ever been found, or issued against my
8 client at all, which would result in an
9 investigation.

10 Mr. Mayor, you quite rightfully mentioned
11 that it is subject to sanitary inspections on a
12 yearly basis, and re-licensing.

13 Never in the entire history of the store
14 has there ever been a problem with the sanitary
15 conditions.

16 Clearly, there is a -- an interest in that
17 this license not be placed at this location,
18 merely for commercial reasons. But that is not a
19 basis to deny the placement of a license.

20 I have a great difficulty with the petition
21 that is being circulated. Many are not even from
22 the neighborhood. You have people from Jersey
23 City signing it.

24 There is a clear admission that he went out
25 and solicited signatures.

1 There may be many people on there, but I'd
2 like them to come forward today and indicate that
3 they have an objection to it.

4 It's very simple to get someone to sign a
5 petition. People will sign anything. But that is
6 also not a basis.

7 If there's such -- if there is such strong
8 neighborhood objection to this, let those people
9 come forward and raise their objections now.

10 Other than that, it's clearly a commercial
11 interest.

12 And it was also rightfully pointed out that
13 there is no direct competition here.

14 This is merely a warm beer license. This
15 is not a liquor store. This is not another
16 liquor store.

17 The petition is fraught with errors. There
18 are no -- no addresses, improper addresses, no
19 indication of names.

20 And again, if there's such -- such strong
21 sentiment in the neighborhood, let them be here.
22 Let them -- let them complain.

23 And I'd like them to come forward today and
24 say, the ones that are here, if anyone is here in
25 objection to this transfer.

1 MR. PANEQUE: Mr. Mayor, I would also just
2 like to add --

3 MS. DILLON: One step closer.

4 MR. PANEQUE: Sure.

5 And this is just flushing out what Mr.
6 Lopez said, this is solely, in our view, an
7 attempt to drive out competition, is what it
8 boils down to.

9 This is undocumented, what you stated on
10 the record. There's nothing to substantiate what
11 you're saying.

12 And there's also nobody here to
13 substantiate or to support your position.

14 As Mr. Lopez -- Mr. Lopez stated, we view
15 this strictly as your attempt to drive out
16 competition, your attempt to make it difficult
17 for somebody who can hurt your bottom -- hurt
18 your pocket, and which -- what your income is.
19 And that's what it boils down to.

20 MR. VARMA: Mr. Mayor, may I speak?

21 MAYOR STACK: When was this -- when was
22 this submitted? This petition?

23 MS. KHELLAH: I believe Mr. Campen's office
24 said that they did send this to the --

25 MS. DILLON: You have to speak up.

1 MS. KHELLAH: Mr. Campen's office did send
2 it to the Clerk.

3 I'm not sure exactly which date, but I do
4 -- I do have additional petitions here --

5 MAYOR STACK: In January, or prior to
6 January?

7 MS. KHELLAH: Well, they were signed in
8 December, so I'm going to say hopefully prior to
9 --

10 MR. VARMA: As soon as --

11 MS. KHELLAH: -- today's date.

12 MR. VARMA: -- notice was out there.

13 MAYOR STACK: Laura, when did you receive
14 this?

15 ACTING CITY CLERK: This afternoon.

16 MAYOR STACK: This afternoon you received
17 it?

18 ACTING CITY CLERK: Yes. By facsimile --

19 MAYOR STACK: Right. But this is the first
20 I'm seeing the petition. I never got a copy of
21 it, even.

22 MR. VARMA: This was submitted to the
23 office, long time ago.

24 MAYOR STACK: You received it from whom?

25 ACTING CITY CLERK: I received it today.

1 MAYOR STACK: From whom?

2 ACTING CITY CLERK: I received it today
3 from -- the fax machine.

4 MS. KHELLAH: From Mr. Campen?

5 ACTING CITY CLERK: Yes.

6 MS. KHELLAH: Mr. Campen's office.

7 MAYOR STACK: Did you fax it today?

8 MS. KHELLAH: I'm not directly in Mr.
9 Campen's office. He -- he did tell me that he
10 submitted it to the Clerk. I just don't know
11 when.

12 MAYOR STACK: Who submitted it?

13 MS. KHELLAH: Mr. Campen's office.

14 MAYOR STACK: And when did you give it to
15 Mr. Campen?

16 MS. KHELLAH: I didn't.

17 MS. DILLON: Ma'am, you have to speak up.

18 MS. KHELLAH: When did you?

19 MR. VARMA: I gave him --

20 MAYOR STACK: Is Greg Farmer here?
21 Greg?

22 MR. FARMER: Yes.

23 MAYOR STACK: Greg, can you come up here
24 for a second?

25 This is -- this is on a transfer

1 application at 2817, I believe.

2 Right?

3 MR. LOPEZ: That's correct.

4 MAYOR STACK: 2817 Bergenline.

5 When did -- when did you receive this
6 petition?

7 MS. DILLON: Mr. Farmer, can I ask you to
8 come over here, please?

9 MR. FARMER: Yeah. That petition? I've --
10 I've never seen that petition.

11 MS. VANEK: This is --

12 MAYOR STACK: I'm --

13 MS. VANEK: The objector is represented --

14 MAYOR STACK: Okay.

15 MS. VANEK: -- by George Campen.

16 MR. FARMER: Right.

17 MS. VANEK: He's not with Greg's office.

18 And it wasn't submitted to Greg, I don't
19 believe. It was sent to Laura and to me.

20 MAYOR STACK: Okay. So, just to clear this
21 up.

22 You're represented by whom?

23 MR. VARMA: Mr. George Campen.

24 MR. FARMER: Right. And this --

25 MAYOR STACK: Oh, George Campen.

1 MR. FARMER: -- this young lady is
2 appearing, as I understand it, on behalf of Mr.
3 Campen, because of when it was on for Tuesday to
4 Thursday, he had a conflict.

5 MAYOR STACK: You're an attorney?

6 MS. KHELLAH: Yes.

7 MAYOR STACK: Oh, I didn't know. I'm
8 sorry.

9 MS. KHELLAH: That's okay.

10 MAYOR STACK: I'm a little con -- I
11 couldn't hear what you said before.

12 MS. KHELLAH: It's okay. I know. I'm
13 sorry.

14 MAYOR STACK: This is just very confusing
15 here. Okay.

16 So, you're an attorney from Mr. George
17 Campen's office?

18 MS. KHELLAH: I'm stepping in for him.
19 Yes.

20 MAYOR STACK: I got it.

21 So, this was -- this was sent from Mr.
22 Campen's office -- you sent this over today?

23 MS. KHELLAH: He sent it over today.

24 MAYOR STACK: To the City Clerk?

25 MS. KHELLAH: Yes. Um hum. Yes.

1 MAYOR STACK: That's why -- I guess that's
2 why I never saw it.

3 MS. VANEK: Right.

4 MAYOR STACK: Yeah. Okay.

5 Okay. Can we take five minutes just to
6 discuss this?

7 MS. VANEK: Yes. Absolutely.

8 MAYOR STACK: All right.

9 MS. VANEK: Yes.

10 MAYOR STACK: Maybe we can go into a
11 classroom or something?

12 MS. VANEK: But I would make a motion to go
13 into Executive Session for advice of counsel.

14 MAYOR STACK: I -- I'll make my motion.

15 COMMISSIONER FERNANDEZ: Second.

16 ACTING CITY CLERK: Motion made by Mayor
17 Stack.

18 Seconded by Commissioner Fernandez.

19 Roll call.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 ACTING CITY CLERK: Commissioner Valdivia?

23 COMMISSIONER VALDIVIA: Yes.

24 ACTING CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 ACTING CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4

5 (Whereupon, the Board moved to Executive
6 Session at 6:27 p.m.)

7

8 (Whereupon, the Board returned to Open
9 Session at 6:33 p.m.)

10

11 MAYOR STACK: Thank you, Christine.

12 I'll make a --

13 (Whereupon, there was a pause in the
14 proceedings.)

15 MAYOR STACK: Okay. I'll make -- I'll make
16 a motion to go back into Open Session.

17 COMMISSIONER FERNANDEZ: Second.

18 ACTING CITY CLERK: Motion made by Mayor
19 Stack.

20 Seconded by Commissioner Fernandez.

21 MAYOR STACK: Okay.

22 If we can bring --

23 ACTING CITY CLERK: Roll call.

24 MAYOR STACK: We have to do a roll call on
25 that?

1 ACTING CITY CLERK: Okay. Yeah.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12 Okay.

13 MS. VANEK: Okay.

14 In light of receiving the petition today,
15 and the issues that have been raised, I believe
16 the Commissioners would like to have some due
17 diligence done with respect to the issues that
18 have been stated.

19 So, the Board will entertain a motion to
20 table this until the next meeting, which I
21 believe is February 4th.

22 MAYOR STACK: Is that the date of the next
23 one?

24 MS. VANEK: Yes.

25 MAYOR STACK: Okay.

1 Okay. Yeah. Tuesday, February 4th.

2 MS. VANEK: Is that the next meeting?

3 MAYOR STACK: All right.

4 ACTING CITY CLERK: Is there a motion?

5 MAYOR STACK: Motion.

6 ACTING CITY CLERK: Motion by Mayor Stack.

7 COMMISSIONER FERNANDEZ: Second.

8 ACTING CITY CLERK: Second by Commissioner
9 Fernandez.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 ACTING CITY CLERK: Commissioner
16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20 MR. PANEQUE: If I could just ask one --

21 MS. DILLON: Just one step closer.

22 MR. PANEQUE: Sure.

23 There was a couple of other issues with
24 respect to renewal of the license for the 2000 --
25 2012-2013 period and 2013 to 2014 period.

1 I know that you mentioned that the
2 Resolution has been revised, adding a paragraph,
3 allowing the transfer to be -- retroactive to
4 6/30/2012.

5 Have the other --

6 MR. LOPEZ: Not the transfer, the renewal.

7 MR. PANEQUE: The renewal. I'm sorry.

8 MS. VANEK: Yeah. That's been --

9 MR. PANEQUE: Yeah.

10 MS. VANEK: -- administratively handled.

11 MR. PANEQUE: So, the renewal has also been

12 --

13 MS. VANEK: Yes.

14 MR. PANEQUE: -- handled for 2012-'13 and
15 '13 to '14, in addition to the Nunc Pro Tunc to
16 6/30/12?

17 MS. VANEK: As far as I know. Yes. And --

18 MR. PANEQUE: Okay.

19 Thank you.

20 MS. VANEK: -- if there's any issues, you
21 can contact our office and we'll --

22 MR. PANEQUE: Okay.

23 Thank you.

24 MS. VANEK: -- we'll talk about that.

25 Okay?

1 MAYOR STACK: Does Mr. -- does Mr. Lopez
2 have a copy of the petition?

3 MS. VANEK: No. The objector should serve
4 Mr. Lopez --

5 MAYOR STACK: Yeah.

6 MS. VANEK: -- with a copy of the petition.
7 That's required by statute.

8 MS. KHELLAH: I'll make a note of that, and
9 I'll put it in the file.

10 MR. LOPEZ: In a timely fashion, please.

11 MAYOR STACK: Yeah.

12 MS. KHELLAH: Of course.

13 MAYOR STACK: Can we get him a copy of that
14 petition tomorrow morning?

15 MS. KHELLAH: I will let Mr. Campen know.

16 MAYOR STACK: Do we have an extra copy
17 today?

18 MS. KHELLAH: No, I don't.

19 MAYOR STACK: All right.

20 MS. KHELLAH: Not with me.

21 MAYOR STACK: Okay. Tomorrow morning we'll
22 have a copy of the petition. All right?

23 MS. KHELLAH: I'll submit the remainder of
24 the petitions that he gave me today, and send
25 them copies of the rest of them.

1 MAYOR STACK: Okay.

2 MS. KHELLAH: Thank you.

3 MAYOR STACK: Thank you.

4 MR. LOPEZ: Thank you very much.

5 ACTING CITY CLERK: Thank you.

6 MR. LOPEZ: Thank you.

7 MS. KHELLAH: Have a good evening.

8 MAYOR STACK: Thank you.

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LIQUOR LICENSE DISCIPLINARY PROCEEDINGS

(1) Plaza Espana, Inc., t/a La Plaza Hispana
Restaurant Y Bar, 2506 Bergenline Avenue

(2) Dolores Casto t/a Uno Bar, 3607 New York
Avenue

(3) Cactus t/a Cactus, 426 32nd Street

(4) RG Enterprise Entertainment t/a Therapy
Lounge, 2803 Bergenline Avenue

(5) Manhattan Bar & Grill, Inc. t/a Manhattan
Bar & Grill, 1711 Manhattan Avenue

MAYOR STACK: Mr. Farmer?

Good night, now.

If you could just enter your appearance for
the record.

MR. FARMER: Yes, Gregory Farmer, on behalf
of the -- Prosecutor to the Union City Alcohol
Beverage Control Commission.

Members of the Board, if we look at the
agenda, number -- number 1 is on the other side
there.

Because of the snow storm and Martin Luther
King birthday, and the courts being closed
yesterday, a lot of offices were closed. So, the

1 ability to tell and notify people on Tuesday,
2 Wednesday, for Thursday was something that proved
3 difficult.

4 And if I could run down, other than Cactus
5 Bar, all the others are going to be on for the
6 next meeting because Mr. Sarsano represents Plaza
7 Espana. His client was out of town.

8 The next one, Uno Bar -- I was hoping that
9 they were going to show up Tuesday, although I've
10 served them with charges. For some reason or
11 another, they have not responded.

12 * * *

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1 **CACTUS t/a CACTUS, 426 32nd STREET**

2

3 MR. FARMER: We're up to Cactus.

4 Cactus is a situation which is a paper
5 violation, and also a noise situation.

6 Apparently, there were complaints about
7 noise, which seemed to be a problem.

8 However, it's also my understanding that
9 those noise complaints, or the noise has subsided
10 and perhaps, the situation is rectified and
11 improved.

12 In talking with counsel, he indicates to me
13 that this is a new business, and a struggling
14 business, and in this kind of economy, a
15 suspension of a long time, a substantial
16 suspension would have great effect not only on
17 his business, but the people he employs.

18 We normally, on a paper violation, have
19 three days.

20 What I suggest is we make the noise
21 complaint and add another day, and make it four
22 days, with the clear understanding communicated
23 to the licensee that if noise becomes a problem,
24 there's going to be more problems.

25 There's one free pass, and hopefully, this

1 -- the experience has rectified the situation,
2 and there will not be any noise complaints. No
3 other noise complaints, then we don't have a
4 problem.

5 MAYOR STACK: Okay.

6 MR. PANEQUE: And yes --

7 MS. DILLON: Your appearance.

8 MR. PANEQUE: For the record, Ivan Paneque
9 on behalf of Cactus Café.

10 I have spoken to the owners. As Mr. Farmer
11 stated, on the record, they've invested a
12 substantial amount of money into building this
13 business.

14 I drive there -- past there quite often,
15 and it is a nice establishment.

16 And quite frankly, in this economy, even
17 one day more -- two days more means a significant
18 impact when you consider that there's rent to
19 pay, there's tremendous amount of expenses in
20 running a business.

21 I would ask that you abide by Mr. Farmer's
22 suggestion in imposing a three day suspension on
23 the -- for the paper violation, with an
24 additional day for the noise.

25 It's also my understanding that the noise

1 | violations have -- have been addressed. That
2 | tenants in the surrounding area, neighbors, are
3 | not really complaining.

4 | So, we don't have the situation here where
5 | somebody is laughing, if you will, at -- at the
6 | City and saying, I'm not doing anything about it.

7 | As a matter of fact, the owners are here
8 | today.

9 | MS. DILLON: Go back to the microphone.

10 | MR. PANEQUE: I'm sorry?

11 | MS. DILLON: Go back to the microphone.

12 | MR. FARMER: They've got to pick you up
13 | this way.

14 | MR. PANEQUE: Okay.

15 | And they are here because they care and
16 | they want to address it and make it right,
17 | whatever -- whatever it takes.

18 | MAYOR STACK: I've noticed, from people
19 | that have complained before, that the noise
20 | situation is much better.

21 | If they could just continue doing that,
22 | that would be helpful to everybody who lives in
23 | the area.

24 | We want them to thrive and survive as a
25 | business in the city. We just want to make sure

1 | that the people who live in the area, especially
2 | upstairs from the establishment, that -- you
3 | know, they can get a decent night's sleep.

4 | MR. PANEQUE: Absolutely.

5 | MAYOR STACK: And you know, get rest, also.

6 | How long have they owned the establishment?

7 | MR. PANEQUE: They -- they built this
8 | establishment -- there was nothing there before,
9 | from what I understand.

10 | Can I -- can I --

11 | MAYOR STACK: Yeah. Absolutely.

12 | (Whereupon, there was a pause in the
13 | proceedings.)

14 | MR. FARMER: I don't think they've owned
15 | the establishment for too long.

16 | MAYOR STACK: No.

17 | MR. FARMER: I think the license they may
18 | have gotten was from the Park Theater.

19 | MAYOR STACK: I think so. Yeah. I think
20 | you're right.

21 | That's why I remember hearing this not too
22 | long ago. Two years or something. Right. I
23 | agree.

24 | (Whereupon, there was a pause in the
25 | proceedings.)

1 MR. PANEQUE: It's -- Mr. Mayor, it's been
2 about a year.

3 MAYOR STACK: Yeah. I remember.

4 MR. PANEQUE: And there was a restaurant
5 there. Also, a sign of the times, which failed.

6 MAYOR STACK: Right.

7 MR. PANEQUE: You know, they're -- they're
8 not filling their pockets with money at this
9 time. They're just getting by.

10 MAYOR STACK: Right.

11 MR. PANEQUE: I know because I've spoken to
12 her at length about this.

13 MAYOR STACK: Right.

14 And they operate strictly as a restaurant,
15 not a bar?

16 MR. PANEQUE: This is a restaurant, and
17 there's also liquor. There's this bar there,
18 yes.

19 MAYOR STACK: Right. Is there a bar
20 itself? A bar with stools and everything, or no?

21 A traditional bar, or no?

22 (Whereupon, there was a pause in the
23 proceedings.)

24 MAYOR STACK: They do.

25 MR. PANEQUE: Yeah. It's a bar. But it's

1 | also a food establishment. You can go there for
2 | dinner or --

3 | COMMISSIONER VALDIVIA: They have a small
4 | counter.

5 | MR. PANEQUE: -- you know, what have you.

6 | MAYOR STACK: Okay.

7 | And how many stools are at the bar?

8 | A VOICE: Three.

9 | MAYOR STACK: Three. Okay.

10 | And what time do you close?

11 | (Whereupon, there was a pause in the
12 | proceedings.)

13 | MR. PANEQUE: Eleven to 12, weekdays;
14 | weekends, two a.m.

15 | MAYOR STACK: Two a.m.

16 | Okay. And have they owned a liquor
17 | establishment prior to this one?

18 | Has she ever owned a liquor establishment?

19 | MR. PANEQUE: This is the first time.

20 | MAYOR STACK: Okay.

21 | And they own it about a year?

22 | MR. PANEQUE: Yes.

23 | MAYOR STACK: And it's the first offense
24 | we've had.

25 | Right, Greg?

1 MR. FARMER: Yes.

2 MAYOR STACK: What we could do is, we could
3 do -- instead of four days, we could do two. We
4 could do a four day, have two days apply now.
5 And then, if they have any more noise complaints,
6 in the next so many months to a year, or whatever
7 you and Mr. Farmer speak about, then those two
8 days would come into effect.

9 I know that there's not major problems
10 there. We don't have fights. We don't have any
11 type of illegal activity, from what I know from
12 complaints from the area; being connected to the
13 people, on a constant basis, you hear things. I
14 don't hear.

15 The only thing I ever heard was noise and
16 it was tough, from people who lived above and
17 people, I think, who lived in the back, if I
18 remember correctly, because you've got 33rd Street
19 that runs behind there. And there's a lot of
20 houses that are behind there, and sound travels
21 up, obviously.

22 I'd be willing to do that, being that
23 they're a new business.

24 MR. PANEQUE: Thank you very much.

25 MAYOR STACK: Sure.

1 Mr. Farmer?

2 MR. FARMER: Yes.

3 I have no objection to that, obviously.

4 I would recommend that.

5 MAYOR STACK: I know that they -- I know
6 they just started the business.

7 MR. PANEQUE: Yes. It's --

8 MAYOR STACK: I know that there's not
9 trouble at that location --

10 MR. PANEQUE: Yes.

11 MAYOR STACK: -- unlike some of the other
12 places in the city -- you know, that we have
13 trouble at.

14 MR. PANEQUE: And that's their concern.
15 They --

16 MAYOR STACK: Yes.

17 MR. PANEQUE: They -- they count on a
18 certain number of days each month in --

19 MAYOR STACK: Sure.

20 MR. PANEQUE: -- order to meet their
21 expenses.

22 MAYOR STACK: And we want them to survive,
23 and we know that they're not an establishment
24 that goes out there to violate the City
25 Ordinances or laws, so we don't want to hurt

1 | them.

2 | MR. PANEQUE: Thank you.

3 | MAYOR STACK: Just make sure it stays to a
4 | quiet level, and make sure nobody else is
5 | bothered in the area. That's most important.

6 | MR. PANEQUE: Thank you, Mr. Mayor.

7 | MAYOR STACK: Sure.

8 | Mr. Farmer?

9 | MR. FARMER: I would recommend a two day
10 | suspension --

11 | MAYOR STACK: Two day suspension.

12 | MR. FARMER: -- in light --

13 | MAYOR STACK: And we'll hold the other two
14 | days.

15 | MR. FARMER: Yes.

16 | MAYOR STACK: If there's a problem in the
17 | next -- how long, Greg?

18 | MR. FARMER: Let -- six months.

19 | MAYOR STACK: Next six months, then they
20 | would apply.

21 | Okay?

22 | Okay.

23 | I'll make a motion.

24 | ACTING CITY CLERK: Motion made by Mayor
25 | Stack.

1 COMMISSIONER VALDIVIA: Second.

2 ACTING CITY CLERK: Seconded by

3 Commissioner Valdivia.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner

10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

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LIQUOR LICENSE DISCIPLINARY PROCEEDINGS

(4) RG Enterprise Entertainment t/a Therapy Lounge, 2803 Bergenline Avenue

(5) Manhattan Bar & Grill, Inc. t/a Manhattan Bar & Grill, 1711 Manhattan Avenue

MR. FARMER: The other two --

MR. PANEQUE: Thank you very much.

MAYOR STACK: Thank you very much.

MR. PANEQUE: Have a good night.

MAYOR STACK: Thank you.

MR. FARMER: Therapy Lounge, Mr. Blanch, who was available Tuesday, indicated to me that he had a longstanding family personal obligation, so I said we would carry it.

And Manhattan Bar and Grill, I called Ray Gonzalez a couple times. Maybe he is stuck down the shore someplace.

But I think we could put that off and I'll get everything together for the -- for the next meeting.

MAYOR STACK: That would be great.

MR. FARMER: Okay?

Thank you.

1 MAYOR STACK: Very good.

2 Thank you, Mr. Farmer.

3 (Whereupon, there was a pause in the
4 proceedings.)

5 ACTING CITY CLERK: Is there a motion then,
6 to adjourn items 4 and 5?

7 MAYOR STACK: Motion.

8 ACTING CITY CLERK: Motion made by Mayor
9 Stack.

10 COMMISSIONER VALDIVIA: Second.

11 ACTING CITY CLERK: Second by Commissioner
12 Valdivia.

13 Roll call.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Yes.

16 ACTING CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner
19 Martinetti?

20 COMMISSIONER MARTINETTI: Yes.

21 ACTING CITY CLERK: Mayor Stack?

22 MAYOR STACK: Yes.

23

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1 **ADJOURNMENT**

2

3 ACTING CITY CLERK: All right. There are
4 no further matters before the Board of
5 Commissioners this evening, is there a motion to
6 adjourn?

7 MAYOR STACK: Motion.

8 ACTING CITY CLERK: Motion made by Mayor
9 Stack.

10 COMMISSIONER MARTINETTI: Second.

11 ACTING CITY CLERK: Seconded by
12 Commissioner Martinetti.

13 Roll call.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Yes.

16 ACTING CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner
19 Martinetti?

20 COMMISSIONER MARTINETTI: Yes.

21 ACTING CITY CLERK: Mayor Stack?

22 MAYOR STACK: Yes.

23

24 (Whereupon, the proceedings were concluded
25 at 6:46 p.m.)

1	_____	Brian P. Stack
2	_____	Lucio P. Fernandez
3	_____	Maryury A. Martinetti
4	_____	Celin Valdivia

5 **Board of Commissioners**

6

7

Attest:

8

Laura M. Miller,

9

Acting City Clerk

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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5 I, DEBRA A. KASZNIAK, 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 BOARD OF COMMISSIONERS,
9 held on Thursday, January 23, 2014 and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon