

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

March 18, 2014
Commencing at 7:00 p.m.

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

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

SOL VILLON
Interpreter

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

GREGORY T. FARMER, ESQ.
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ROBERT M. MAYEROVIC, ESQ.,
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Sol Chicken, Inc.

MESSRS. GONZALEZ & CARIDE
BY: RAMON M. GONZALEZ, ESQ.,
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I N D E X

Mayem (sic) Corp. t/a El Trebol

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1 ACTING CITY CLERK: Everybody please rise
2 for the Pledge of Allegiance.

3

4 (Whereupon, the Pledge of Allegiance was
5 said.)

6

7 ACTING CITY CLERK: Okay, this is a Regular
8 Public Meeting of the Union City Board of
9 Commissioners, being held on Tuesday, March 18,
10 2014, at seven p.m., at the Holy Cross Armenian
11 Center, 2610 Bergenline Avenue, Union City, New
12 Jersey.

13 This meeting has been called in accordance
14 with Chapter 231, Public Law of 1975, the Open
15 Public Meeting Act.

16 Adequate notice of this meeting has been
17 provided as follows:

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

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Here.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Here.

10 ACTING CITY CLERK: Commissioner

11 Martinetti?

12 COMMISSIONER MARTINETTI: Here.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Here.

15

16 **APPROVAL OF MINUTES OF FEBRUARY 18, 2014 AND**

17 **MARCH 4, 2014:**

18

19 ACTING CITY CLERK: The first item on the
20 agenda this evening is the approval of the
21 previous meeting minutes.

22 MAYOR STACK: I'll move it.

23 COMMISSIONER MARTINETTI: Second.

24 ACTING CITY CLERK: Moved by Mayor Stack.

25 Second by Commissioner Martinetti.

1 Roll call.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 ACTING CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 ACTING CITY CLERK: Commissioner

7 Martinetti?

8 COMMISSIONER MARTINETTI: Yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13

14 **ORDINANCES FOR HEARING AND ADOPTION**

15 **CONSIDERATION:**

16

17 1. 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: The second item on this
22 agenda are two Ordinances for Hearing and
23 Adoption Consideration.

24 First Ordinance is Amending the Parking
25 Provision of Section 223 of the City Code to

1 Permit Parking in Certain Required Front Yards.

2 Does --

3 MAYOR STACK: Anyone wishing to comment at
4 this time on this Ordinance, please step forward,
5 state your name and address for the record.

6 MS. VANEK: Mayor, before we begin with
7 public hearing on the Ordinance, Kara Kaczynski
8 from my office is here and I believe she'd like
9 to make a few comments about the Ordinance.

10 MAYOR STACK: Sure.

11 MS. KACZYNSKI: Good evening, Mayor and
12 Commissioners; I'll be brief.

13 You may recall that an Ordinance Amending
14 Section 223 of the Code was presented to you for
15 first reading.

16 That Ordinance was then presented to the
17 Planning Board on January 28th and the Planning
18 Board, as it's required by statute, made some
19 comments and recommendations to the
20 Commissioners.

21 One of them was that the Planning Board
22 members felt that the Ordinance should be a
23 little more clear as to the fact that parking in
24 the now required front yards would not be allowed
25 to block any sidewalks or City right-of-ways.

1 So should the Commissioners -- should you
2 decide to agree with that recommendation, you
3 could vote and make a motion to adopt the
4 provisions of the Ordinance to include a
5 reference that any parking in these front yard
6 areas that would be allowed by this Amended
7 Ordinance cannot block any City sidewalks or City
8 right-of-ways.

9 MAYOR STACK: Absolutely.

10 MS. KACZYNSKI: I don't know if you have
11 any other questions on the Ordinance but
12 everything else would remain the same.

13 MAYOR STACK: Great.

14 Thank you very much.

15 MS. KACZYNSKI: My pleasure.

16 MAYOR STACK: Anyone wishing to comment on
17 this Ordinance at this time, please step forward,
18 state your name and address for the record.

19 Seeing none.

20 I'll make a motion to approve and adding in
21 also what Miss -- Kara just mentioned.

22 COMMISSIONER VALDIVIA: Second.

23 COMMISSIONER RIVAS: I will second.

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

1 Second by Commissioner Valdivia.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 ACTING CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner

10 Martinetti?

11 COMMISSIONER MARTINETTI: I'm recusing.

12 ACTING CITY CLERK: Commissioner Martinetti

13 recusing.

14 Mayor Stack?

15 MAYOR STACK: Yes.

16 And we'll make sure it has that provision

17 in it.

18 ACTING CITY CLERK: Motion to adopt?

19 Is there a motion to adopt?

20 MAYOR STACK: Motion.

21 ACTING CITY CLERK: Motion by Mayor Stack.

22 COMMISSIONER RIVAS: Second.

23 ACTING CITY CLERK: Second by Commissioner

24 Rivas.

25 Roll call.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 ACTING CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: Yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Recusing.

10 ACTING CITY CLERK: Commissioner Martinetti
11 recusing.

12 Mayor Stack?

13 MAYOR STACK: Yes.

14 ACTING CITY CLERK: Yes.

15

16 **ORDINANCES FOR HEARING AND ADOPTION**

17 **CONSIDERATION:**

18

19 2. AN ORDINANCE ESTABLISHING RESIDENCY
20 REQUIREMENTS FOR UNION CITY EMPLOYEES

21

22 ACTING CITY CLERK: Second Ordinance is
23 Establishing Residency Requirements for Union
24 City Employees.

25 Does the Mayor wish to take public --

1 MAYOR STACK: Sure.

2 Anyone wishing to --

3 ACTING CITY CLERK: -- comments?

4 MAYOR STACK: Anyone wishing to comment on
5 this Ordinance at this time, please step forward,
6 state your name and address for the record.

7 Seeing none.

8 ACTING CITY CLERK: None.

9 Is there a motion to close public hearing?

10 MAYOR STACK: Motion.

11 ACTING CITY CLERK: Motion made by Mayor
12 Stack.

13 COMMISSIONER FERNANDEZ: Second.

14 ACTING CITY CLERK: Second by Commissioner
15 Fernandez.

16 Roll call.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 ACTING CITY CLERK: Commissioner Rivas?

20 COMMISSIONER RIVAS: Yes.

21 ACTING CITY CLERK: Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 ACTING CITY CLERK: Commissioner
24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 ACTING CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3 ACTING CITY CLERK: Is there a motion to

4 adopt?

5 MAYOR STACK: Motion.

6 ACTING CITY CLERK: Motion made by Mayor

7 Stack.

8 COMMISSIONER MARTINETTI: Second.

9 COMMISSIONER VALDIVIA: Second.

10 ACTING CITY CLERK: Second by Commissioner

11 Martinetti.

12 Roll call.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 ACTING CITY CLERK: Commissioner Rivas?

16 COMMISSIONER RIVAS: Yes.

17 ACTING CITY CLERK: Commissioner Valdivia?

18 COMMISSIONER VALDIVIA: Yes.

19 ACTING CITY CLERK: Commissioner

20 Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 ACTING CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24

25 **CONSENT AGENDA:**

- 1
- 2 (1) Resolution Approving the Payment of Claims
- 3 (2) Resolution Approving the Payment of
- 4 Concurring Claims
- 5 (3) Resolution Approving the City Payroll for
- 6 the Period of February 25, 2014 through March 10,
- 7 2014
- 8 (4) Resolution Approving the Library Payroll
- 9 for the Period of February 25, 2014 through March
- 10 10, 2014
- 11 (5) Resolution Approving Payments of Claims to
- 12 the Hudson Regional Health Commission
- 13 (6) Resolution Confirming Disciplinary Action
- 14 Against Liquor License No. 0910-33-103-002 held
- 15 by Il Paradiso t/a Il Paradiso Corp., 1108 Summit
- 16 Avenue
- 17 (7) Resolution Confirming Disciplinary Action
- 18 against Liquor License No. 0910-33-060-003 held
- 19 by Tropical Bar & Restaurant t/a Wendy C. Diaz,
- 20 4100C Bergenline Avenue
- 21 (8) Resolution Re-appointing Sixto Macias as
- 22 Municipal Court Judge
- 23 (9) Resolution Appointing Dominick Cantatore as
- 24 Deputy Registrar of Vital Statistics
- 25 (10) Resolution Authorizing the Execution of a

1 Shared Services Agreement with the Township of
2 North Bergen for the Use of the Bruce D. Walter
3 Recreation Center Swimming Pool
4 (11) Resolution to Approve Access Agreement for
5 North Bergen Municipal Utility Authority Property
6 (12) Resolution Authorizing the Purchase of EMS
7 Computer Equipment from GTBM, Inc. pursuant to
8 State Contract
9 (13) Resolution Awarding a Contract to
10 Washington Strategic Consulting for Federal and
11 State Grant Consulting
12 (14) Resolution Authorizing Clerk to Advertise
13 for Bids for Baseball Equipment 2014
14 (15) Resolution Authorizing Clerk to Advertise
15 for Bids for Purchase of Chlorine for Public
16 Pools
17 (16) Resolution Awarding Gonzalez and Caride a
18 Contract for Tenant Advocate for Matters Before
19 the Rent Control Board
20 (17) Resolution Awarding Raffles License to St.
21 Joseph/St. Michael RC Church
22 (18) Resolution Authorizing the Refund of
23 Premium Monies Collected at the Tax Sale
24 (19) Resolution Authorizing Refund of Redemption
25 Monies to Outside Lienholders

1 (20) Resolution Authorizing the Refund of a
2 Duplicate Payment

3 (21) Resolution Authorizing the Refund of a Tax
4 Appeal Issued by the Court of New Jersey

5 (22) Any other matter of City business that may
6 arise

7

8 ACTING CITY CLERK: The next items is the
9 Consent Agenda. There are --

10 They can be approved by one vote.

11 -- 21 items on the Consent Agenda this
12 evening, are as follows:

13 Resolution Approving the Payments of
14 Claims.

15 Item 2.

16 Resolution Approving the Payments of
17 Concurring Claims.

18 Item 3.

19 Resolution Approving the City Payroll for
20 the Period of February 25th, 2014 through March
21 10, 2014.

22 Resolution Approving the Library Payroll
23 for the Period of February 25th, 2014 through
24 March 10, 2014.

25 Item fifth.

1 Resolution Approving Payments of Claim to
2 the Hudson Regional Health Commission.

3 Item 6.

4 Resolution Confirming Disciplinary Action
5 Against Liquor License number 0910-33-103-002
6 held by Il Paradiso, also known as Il Paradiso
7 Corp., 1108 Summit Avenue.

8 Item 7.

9 Resolution Confirming Disciplinary Action
10 against Liquor License number 0910-33-060-003
11 held by Tropical Bar and Restaurant, also known
12 as Wendy C. Diaz, 4100C Bergenline Avenue.

13 Item 8.

14 Resolution Re-appointing Sixto Macias as
15 Municipal Court Judge.

16 Item 9.

17 Resolution Appointing Dominick Cantatore as
18 Deputy Registrar of Vital Statistics.

19 Item 10.

20 Resolution Authorizing the Execution of a
21 Shared Service Agreement with the Township of
22 North Bergen for the Use of the Bruce Walter
23 Recreation Center Swimming Pool.

24 Item 11.

25 Resolution to Approve Access Agreement for

1 North Bergen Municipal Utility Authority
2 Property.

3 Item 12.

4 Resolution Authorizing the Purchase of EMS
5 Computer Equipment for the GTBM, Inc. pursuant to
6 State Contract.

7 Number 13 -- item 13.

8 Resolution Awarding a Contract to
9 Washington Strategic Consulting for Federal and
10 State Grant Consulting.

11 Item 14.

12 Resolution Authorizing Clerk to Advertise
13 for Bids for Baseball Equipment 2014.

14 Item 15.

15 Resolution Authorizing Clerk to Advertise
16 for Bids for Purchase of Chlorine for Public
17 Pools.

18 Item 16.

19 Resolution Awarding Gonzalez and Caride a
20 Contract for Tenant Advocate for Matters Before
21 the Rent Control Board.

22 Item 17.

23 Resolution Awarding Raffle License to Saint
24 Joseph/Saint Michael RC Church.

25 Item 18.

1 Resolution Authorizing the Refund of
2 Premium Monies Collected at Tax Sale.

3 Item 19.

4 Resolution Authorizing Refund of Redemption
5 Monies to Outside Lienholders.

6 Item 20.

7 Resolution Authorizing the Refund of a
8 Duplicate Payment.

9 Item 21.

10 Resolution Authorizing the Refund of a Tax
11 Appeal Issued by the Court of New Jersey.

12 Does the Mayor wish to take public comments
13 at this time?

14 MAYOR STACK: Sure.

15 Anyone wishing to comment on the Consent
16 Agenda, please step forward, state your name and
17 address for the record.

18 Make a motion.

19 COMMISSIONER MARTINETTI: Second.

20 ACTING CITY CLERK: Motion made by Mayor
21 Stack.

22 Second by Commissioner Martinetti.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: I recuse on number

1 2 as it pertains to Union City Redevelopment
2 Agency.

3 Otherwise, yes.

4 ACTING CITY CLERK: Okay, Commissioner
5 Fernandez recusing on item 2. The rest is yes.

6 Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 ACTING CITY CLERK: Commissioner
11 Martinetti?

12 COMMISSIONER MARTINETTI: Yes.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

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

17 COMMISSIONER MARTINETTI: Motion.

18 MAYOR STACK: Second.

19 ACTING CITY CLERK: Motion by Commissioner
20 Martinetti.

21 MAYOR STACK: Second.

22 ACTING CITY CLERK: Second by Mayor Stack.

23 Commissioner Fernandez recusing item 2.

24 Commissioner Rivas?

25 COMMISSIONER RIVAS: Yes.

1 ACTING CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Mayor Stack?

4 MAYOR STACK: Yes.

5

6 **REGULAR AGENDA:**

7

8 1. Resolution Approving the Redevelopment
9 Agency Payroll for the Period of February 25,
10 2014 through March 10, 2014

11

12 ACTING CITY CLERK: The fourth item on the
13 agenda is the Regular Agenda.

14 There are five items on this Regular
15 Agenda.

16 Resolution -- first one is Resolution
17 Approving the Redevelopment Agency Payroll for
18 the Period of February 25th, 2014 to March 10th,
19 2014.

20 MS. VANEK: Mayor, for the record, we
21 recommend that Commissioner Fernandez recuse
22 himself from this item.

23 MAYOR STACK: I'll move it.

24 COMMISSIONER MARTINETTI: Second.

25 ACTING CITY CLERK: Commissioner Fernandez

1 recusing.

2 Mayor Stack.

3 Okay.

4 Roll call.

5 Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 ACTING CITY CLERK: Commissioner Fernandez

8 recusing.

9 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

17 **REGULAR AGENDA:**

18

19 2. Resolution Authorizing Submission of a

20 Strategic Plan to the Union City Municipal

21 Alliance Committee Against Alcoholism and Drug

22 Abuse Grant for Fiscal Year 2014-2015

23

24 ACTING CITY CLERK: Item two on the Regular

25 Agenda is Resolution Authorizing Submission of a

1 Strategic Plan to the Union City Municipal
2 Alliance Committee Against Alcoholism and Drug
3 Abuse Grant for Fiscal Year 2014 through 2015.

4 MS. VANEK: Mayor, we recommend that
5 Commissioner Rivas recuse himself from this
6 matter.

7 MAYOR STACK: I'll move it.

8 COMMISSIONER MARTINETTI: Second.

9 ACTING CITY CLERK: Commissioner Rivas;
10 recuse.

11 Roll call.

12 Commissioner Fernandez?

13 COMMISSIONER FERNANDEZ: Yes.

14 ACTING CITY CLERK: Commissioner Rivas is
15 recusing.

16 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 **REGULAR AGENDA:**

25

1 3. Resolution Approving Payments of Claims to
2 the Hudson County Department of Finance

3

4 ACTING CITY CLERK: The third item on the
5 Regular Agenda is a Resolution Approving Payments
6 of Claim to the Hudson County Department of
7 Finance.

8 MS. VANEK: Mayor, we recommend that
9 Commissioner Rivas also recuse on this item.

10 COMMISSIONER MARTINETTI: Motion.

11 MAYOR STACK: Second.

12 ACTING CITY CLERK: Commissioner Rivas
13 recusing.

14 Motion made by Commissioner Martinetti.

15 Mayor Stack.

16 Roll call.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 ACTING CITY CLERK: Commissioner Rivas;
20 recusing.

21 Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 ACTING CITY CLERK: Commissioner
24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 ACTING CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3

4 **REGULAR AGENDA:**

5

6 4. Resolution of the Board of Commissioners of
7 the City of Union City Granting the Person to
8 Person and Place to Place Transfers of Liquor
9 License #0910-43-079-007

10

11 ACTING CITY CLERK: Item 4 is Resolution of
12 the Board of Commissioners to the -- of the City
13 of Union City Granting the Person to Person and
14 Place to Place Transfer of Liquor License number
15 0910-43-079-007.

16 Is there a motion --

17 MS. VANEK: Mayor, --

18 MAYOR STACK: What is the location of that?

19 MS. VANEK: Mayor, this was approved at a
20 prior hearing. This was a pocket license to 2817
21 Bergenline. This was Paneque to Los Precios.

22 MAYOR STACK: Oh, I remember. Okay.

23 MS. VANEK: It's just memorializing the
24 Board's prior vote.

25 MAYOR STACK: I got it.

1 MS. VANEK: We recommend that Commissioner
2 Martinetti recuse on numbers 4 and 5.

3 MAYOR STACK: I'll move it.

4 ACTING CITY CLERK: Commissioner Martinetti
5 recusing.

6 COMMISSIONER RIVAS: I'll second.

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

9 COMMISSIONER RIVAS: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Rivas.

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 Rivas is
18 recusing.

19 COMMISSIONER RIVAS: I'm not.

20 ACTING CITY CLERK: Oh, I'm sorry.

21 Commissioner Rivas?

22 COMMISSIONER RIVAS: Yes.

23 ACTING CITY CLERK: Yes.

24 Commissioner Martinetti; recusing.

25 Mayor Stack?

1 MAYOR STACK: Yes.

2

3 **REGULAR AGENDA:**

4

5 5. Resolution of the Board of Commissioners of
6 the City of Union City Granting the Place to
7 Place Transfers of Liquor License
8 #0910-33-129-006

9

10 ACTING CITY CLERK: The fifth item is
11 Resolution of the Board of Commissioners of the
12 City of Union City Granting the Place to Place
13 Transfer of Liquor License number
14 0910-33-129-006.

15 MS. VANEK: Mayor, this was also approved
16 at a prior meeting.

17 This was Roglo. The transfer was 4116
18 Bergenline to 4509 Bergenline.

19 MAYOR STACK: I remember. Okay.

20 I'll make a motion.

21 ACTING CITY CLERK: Motion made by Mayor
22 Stack.

23 COMMISSIONER VALDIVIA: Second.

24 ACTING CITY CLERK: Second by Commissioner
25 Valdivia.

1 Roll call.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 ACTING CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 ACTING CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 ACTING CITY CLERK: Recusing; Commissioner
9 Martinetti.

10 Mayor Stack?

11 MAYOR STACK: Yes.

12

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

14

15 ACTING CITY CLERK: Does the Mayor wish to
16 take public comments at this time?

17 MAYOR STACK: Sure.

18 Anyone wishing to comment at this time,
19 please step forward, -- concerning matter --
20 concerning municipal government in the City of
21 Union City.

22 MR. MAYEROVIC: Just one thing.

23 I had a hearing tonight and I got a letter
24 from Kara Kaczynski that it was at 2500 --

25 MS. DILLON: He's got to come to the mic.

1 MR. MAYEROVIC: -- the high school.

2 MS. DILLON: I can't get him --

3 ACTING CITY CLERK: Sir?

4 MS. DILLON: -- on the record.

5 ACTING CITY CLERK: Can you -- can you come
6 and state your name --

7 MR. MAYEROVIC: Sure.

8 ACTING CITY CLERK: -- for the record?

9 MR. MAYEROVIC: Robert Mayerovic.

10 Good evening, Mayor, Commissioners.

11 MAYOR STACK: Sure.

12 MR. MAYEROVIC: I --

13 MAYOR STACK: What was the hearing on, Mr.
14 Mayerovic?

15 MR. MAYEROVIC: It was a liquor license
16 transfer, Sol Chicken.

17 MAYOR STACK: Oh, we haven't gotten to that
18 yet.

19 MR. MAYEROVIC: Oh, only because the notice
20 said for 2500 --

21 MAYOR STACK: Right.

22 MR. MAYEROVIC: -- the high school.

23 You didn't do those yet?

24 MAYOR STACK: No.

25 MR. MAYEROVIC: Okay.

1 MAYOR STACK: No problem.

2 And just -- just see Mr. Farmer and
3 Christine after -- after this portion --

4 MR. MAYEROVIC: Okay.

5 MAYOR STACK: -- of the meeting.

6 ACTING CITY CLERK: Thank you, sir.

7 MAYOR STACK: Anyone else wishing to
8 comment at this time on any matter concerning
9 municipal government in the City of Union City?

10 Just before we close the public comment
11 portion, I would just like to thank Holy Cross
12 Armenian Church for having us here this evening.
13 We appreciate it very much.

14 The Commissioners and myself move a hundred
15 percent of our meetings around the community in
16 the evening hours throughout the City. We've
17 been doing that since we were elected and we
18 continue to do so.

19 So I thank everyone who's here this evening
20 for coming out.

21 Again, last call, anyone wishing to comment
22 at this time?

23 Seeing none.

24 ACTING CITY CLERK: Is there a motion to
25 close the public comment portion of the meeting?

1 MAYOR STACK: Motion.

2 COMMISSIONER VALDIVIA: Second.

3 ACTING CITY CLERK: Mayor Stack.

4 Second Commissioner Valdivia.

5 Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes.

8 ACTING CITY CLERK: Commissioner Rivas?

9 COMMISSIONER RIVAS: Yes.

10 ACTING CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Yes.

12 ACTING CITY CLERK: Commissioner

13 Martinetti?

14 COMMISSIONER MARTINETTI: Yes.

15 ACTING CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17 ACTING CITY CLERK: Roll --

18 Is there a vote on the motion?

19 MS. DILLON: Yes.

20 ACTING CITY CLERK: Yes.

21 All right.

22 * * *

23

24

25

1 **LIQUOR LICENSE TRANSFER HEARING:**

2
3 APPLICATION FOR A PLACE TO PLACE AND PERSON TO
4 PERSON TRANSFER OF PRESENTLY INACTIVE LIQUOR
5 LICENSE # 0910-33-126-006 OWNED BY RODRIANIS,
6 INC. TO BE TRANSFERRED TO SOL CHICKEN, INC.,
7 LOCATED AT 2903 BERGENLINE AVENUE

8
9 ACTING CITY CLERK: The next item on the
10 agenda is the -- it's a Liquor License Transfer
11 Hearing.

12 It's an Application for a Place to Place
13 and Person to Person Transfer of Presently
14 Inactive Liquor License --

15 MAYOR STACK: Why don't we do this?

16 Why don't we take --

17 Christine, could we take five minutes?

18 MS. VANEK: Absolutely, Mayor.

19 MAYOR STACK: So maybe you can square away
20 that issue and just check and see what he's
21 talking about.

22 MS. VANEK: The motion for the record?

23 MAYOR STACK: Motion.

24 COMMISSIONER FERNANDEZ: Second.

25 ACTING CITY CLERK: Motion made by

1 Commissioner -- Mayor Stack.

2 Second by Commissioner Fernandez.

3 MAYOR STACK: We need to vote on it?

4 MS. VANEK: Should vote on the motion for a
5 recess -- for a five minute recess.

6 ACTING CITY CLERK: Okay.

7 MS. VANEK: Roll call.

8 ACTING CITY CLERK: Roll call.

9 Okay, roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 ACTING CITY CLERK: Commissioner Rivas?

13 COMMISSIONER RIVAS: Yes.

14 ACTING CITY CLERK: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 ACTING CITY CLERK: Commissioner

17 Martinetti?

18 COMMISSIONER MARTINETTI: Yes.

19 ACTING CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21

22 (Whereupon, the Board recessed from 7:14
23 p.m. to 7:18 p.m.)

24

25 MAYOR STACK: This portion of the meeting

1 will be for Liquor License Hearings and Transfers
2 and Disciplinary Hearings.

3 ACTING CITY CLERK: Okay, this is an
4 Application for a Place to Place and Person to
5 Person Transfer of Presently Inactive Liquor
6 License number 0910-33-126-006 Owned by
7 Rodrianis, Inc. to Be Transferred to Sol Chicken,
8 Inc., Located at 2903 Bergenline Avenue.

9 Is there a motion on the application?

10 MS. VANEK: No, we're going to have a
11 hearing --

12 ACTING CITY CLERK: Oh, okay.

13 MAYOR STACK: We're going to have a
14 hearing.

15 ACTING CITY CLERK: Sorry.

16 MS. VANEK: -- on the application first.

17 MAYOR STACK: If we could have all
18 interested parties?

19 MR. MAYEROVIC: I'm glad I made it.

20 MAYOR STACK: Sure.

21 MR. MAYEROVIC: I'm glad I made it.

22 I thank Mr. Price. Mr. Price directed me
23 over here, so I owe him one.

24 My name is Robert Mayerovic. I'm an
25 attorney. I represent Sol Chicken, Inc. Sol

1 Chicken, Inc. runs a restaurant at 2903
2 Bergenline Avenue.

3 MAYOR STACK: If they want to maybe come up
4 by you? Sure.

5 MR. MAYEROVIC: These are my clients.

6 MS. PAREDES: Good afternoon. Good
7 afternoon.

8 MAYOR STACK: How are you?

9 Good.

10 MR. MAYEROVIC: Okay.

11 This is our application. There was a
12 business on Union Turnpike called Rodrianis, Inc.
13 I'm maybe not pronouncing it right. We bought
14 the license from -- I think it's Mrs. Cantero
15 (phonetic), she's over here. That business
16 closed down. Sol Chicken, Inc. is a restaurant
17 here on 29th Street and Bergenline Avenue.

18 Just so the Board is clear, my clients
19 actually operate two locations; one in Manhattan,
20 one in New Jersey.

21 The one in Manhattan, also a chicken
22 establishment with a liquor license --

23 In Queens; I'm sorry.

24 -- never had a problem, never had any
25 licensing problem out of New York. That's run by

1 the husband.

2 And my client, the wife, will be actually
3 operating the place at 2903 Bergenline Avenue and
4 we're asking that the Board approve the transfer
5 of the license.

6 It's to enhance the business. It's not
7 packaged goods. It's just to -- you know, with
8 dinners, with the meals.

9 MAYOR STACK: I've always known the current
10 business to be a good business. I've always
11 known them to run a good establishment here and
12 we appreciate that.

13 How many years have they been in business
14 at --

15 MR. MAYEROVIC: They've been in business
16 since 2007. They have another -- I asked her,
17 she has another seven years on the lease. And
18 they tell me they just completed renovating the
19 premises.

20 MAYOR STACK: Okay.

21 MR. MAYEROVIC: So the premises had been
22 upgraded --

23 MAYOR STACK: I've seen that.

24 MR. MAYEROVIC: -- as of recent.

25 MAYOR STACK: The only concern that the

1 Commissioners and myself have is that on that
2 block between 29 and 30 --

3 And this is no fault of yours because
4 you're coming in new on a liquor license.

5 -- is that there's several liquor
6 establishments in that area right now. And we
7 just want to make sure that you'll comply --
8 fully comply with all the laws. Make sure that
9 there's no hanging out in front of the
10 restaurant. As there's none right now, I know
11 that. You run a good establishment. We just
12 want the establishment to stay that way.

13 MR. MAYEROVIC: That is really the intent.
14 They want to upgrade the quality of the service.
15 They're not looking to bring the business down.

16 MAYOR STACK: Okay.

17 Just to be a good neighbor. That's what we
18 want you to continue doing, as you've been doing.

19 How long do you own your establishment in
20 New York?

21 MS. DILLON: Can I ask you to step
22 forward --

23 MS. PAREDES: Since 2001.

24 MS. DILLON: -- and put your names on
25 the --

1 MAYOR STACK: If you could just step
2 forward?

3 ACTING CITY CLERK: Can you --

4 MS. DILLON: -- record please?

5 ACTING CITY CLERK: -- step forward please?

6 MS. DILLON: I'm going to ask you to --

7 MS. PAREDES: Since 2001.

8 MS. DILLON: -- state your name and spell
9 it for us.

10 MAYOR STACK: Since 2001?

11 MS. PAREDES: Yes.

12 MAYOR STACK: And your name is?

13 MS. PAREDES: Aida Paredes.

14 MAYOR STACK: Okay.

15 And you're the owner of the establishment?

16 ACTING CITY CLERK: Aida Paredes.

17 MS. PAREDES: Yes.

18 MAYOR STACK: You and your husband?

19 MS. PAREDES: Yes.

20 MAYOR STACK: Right. I got it.

21 MR. MAYEROVIC: She will be the principal
22 manager, the responsible person here in New
23 Jersey.

24 MAYOR STACK: Okay.

25 MS. PAREDES: Um-hum.

1 MAYOR STACK: And the establishment in New
2 York City has a liquor license?

3 MS. PAREDES: Yes.

4 MAYOR STACK: Have you ever had any
5 trouble --

6 MS. PAREDES: Never.

7 MAYOR STACK: -- with the liquor license?

8 MS. PAREDES: Never.

9 MAYOR STACK: No violations?

10 MS. PAREDES: No, sir.

11 MAYOR STACK: No write-ups? Nothing?

12 MS. PAREDES: No.

13 MAYOR STACK: Good.

14 And you're going to be running this
15 establishment?

16 You'll be in the establishment running it?

17 MS. PAREDES: Yes.

18 MAYOR STACK: Okay.

19 Any questions from any of the
20 Commissioners?

21 MS. VANEK: Mayor, I have one question.

22 MAYOR STACK: Sure.

23 MS. VANEK: I'm sorry.

24 What was the name of the establishment that
25 you run in New York?

1 MS. PAREDES: El Sol.

2 MS. VANEK: Okay.

3 And could you just provide the address for
4 the record?

5 MS. PAREDES: 8707 Northern Boulevard,
6 Jackson Heights, Queens.

7 MAYOR STACK: Any members of the public
8 have any questions on this -- on this license?

9 Okay. Knowing the past history of the
10 establishment, that it's been a well run
11 establishment -- we appreciate that, that's
12 something we want in Union City, I'll make a
13 motion to approve.

14 COMMISSIONER VALDIVIA: I'll second.

15 MAYOR STACK: Good luck with your
16 establishment.

17 COMMISSIONER FERNANDEZ: Second.

18 COMMISSIONER VALDIVIA: Second.

19 MS. PAREDES: Thank you, sir.

20 MR. MAYEROVIC: Thank you very much.

21 MS. PAREDES: Thank you.

22 ACTING CITY CLERK: Motion to approve by
23 Mayor Stack.

24 Second by Commissioner Valdivia.

25 Roll call.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 ACTING CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: 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: Good luck.

12 MR. MAYEROVIC: Nice to see everybody.

13 Thank you.

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1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. Park Avenue Bar & Grill, LLC t/a Park
4 Avenue Bar & Grill, 3417 Park Avenue

5 2. La Berraquera, Inc. t/a La Berraquera, 721
6 32nd Street

7 3. Dolores Castro t/a Uno Bar, 3607 New York
8 Avenue

9 4. Mayem(sic) Corp. t/a El Trebol, 416-418 43rd
10 Street (sic)

11 5. A & C Corp. t/a Adoro, 414-38th Street

12

13 ACTING CITY CLERK: We also have some
14 Liquor License Disciplinary Proceeding.

15 MR. FARMER: Good evening, Mayor and the
16 Board.

17 We have some liquor licenses on for
18 disciplinary proceedings.

19

20 **PARK AVENUE BAR & GRILL, LLC t/a PARK AVENUE BAR**
21 **& GRILL, 3417 Park Avenue:**

22

23 MR. FARMER: The first is Park Avenue Bar
24 and Grill.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. HALLIGAN: Mayor Stack.

3 MR. FARMER: Let the record reflect that
4 the licensee is here.

5 Why don't you put your name on the record.

6 MR. HALLIGAN: Yes. Karl Halligan, Park
7 Avenue Bar and Grill.

8 MS. DILLON: Spell your first name.

9 MR. HALLIGAN: Karl, with a K, K-A-R-L.
10 Halligan, H-A-L-L-I-G-A-N.

11 MS. DILLON: Thank you, Mr. Halligan.

12 MR. HALLIGAN: You're welcome.

13 MR. FARMER: And this is a paper violation;
14 not having a person on the E-141.

15 Our typical position on this is that it's a
16 three day suspension. I've spoken to the
17 licensee. He's agreeable to three days and he'll
18 let me know what the days are.

19 MAYOR STACK: Okay.

20 Would you like to speak on that?

21 MR. HALLIGAN: Yeah. Basically, the -- it
22 was a trainee. We take on trainees and I
23 certainly wasn't aware that we had to put a
24 trainee on the form but I'm fully informed now
25 from Mr. Farmer that any trainee who comes in,

1 even for a short period of time, should be
2 actually on the form regardless of their status
3 on the building.

4 MAYOR STACK: Okay.

5 And you heard the recommendation of Mr.
6 Farmer?

7 MR. HALLIGAN: Yeah. It's -- for a paper
8 one I was a bit surprised -- for a paper
9 violation but I'm told that was what it was.

10 I'd like the Mayor to just consider that we
11 run a good establishment. We've had a very clean
12 record. And this was an administrative aspect,
13 which we now know and will be corrected going
14 forward.

15 If there's anything that the Commissioners
16 can talk or the Mayor can look at this, I'd
17 appreciate it. But we have a good record and we
18 run a good establishment as I said.

19 MAYOR STACK: Mr. Farmer? Do you have
20 anything you'd like to add?

21 MR. FARMER: I have nothing to say except
22 for the fact that I can't recall a time when
23 we've had an E-141 violation where we didn't give
24 the licensee a three day suspension.

25 I mean I --

1 MAYOR STACK: To give on --

2 I couldn't hear what you said.

3 MR. FARMER: What I said was --

4 I'm sorry.

5 What I'm saying is I cannot recall an
6 incident where we have had an E-141 -- 141-E
7 violation, namely not putting your name of your
8 employees and some information on the form, -- I
9 can't remember a time when we gave anybody less
10 than three days.

11 MAYOR STACK: Okay.

12 MR. FARMER: It's been consistent for
13 years.

14 MAYOR STACK: I got it.

15 Okay.

16 I'll make a motion to approve Mr. Farmer's
17 recommendation.

18 COMMISSIONER RIVAS: I'll second.

19 ACTING CITY CLERK: Motion to approve by
20 Mayor Stack.

21 Second by Commissioner Rivas.

22 Roll call.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Yes.

2 ACTING CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

9 MR. FARMER: Okay. That's it.

10 MR. HALLIGAN: Thank you.

11 MR. FARMER: Call me and let me know

12 what --

13 ACTING CITY CLERK: Second --

14 MR. FARMER: -- days you want.

15 MR. HALLIGAN: Sure. For the --

16 MR. FARMER: Okay?

17 * * *

18 MR. FARMER: If we could skip over La

19 Berraquera because we're --

20 If we could skip over La Berraquera because

21 we're waiting for, I think, the lawyer and we may

22 have an application with it.

23 * * *

24

25

1 DOLORES CASTRO t/a UNO BAR, 3607 New York Avenue:

2

3 MR. FARMER: But if we could go to Uno Bar.

4 Detective? Can I see you?

5 Yes.

6 ACTING CITY CLERK: That's --

7 MAYOR STACK: Which establishment is this?

8 ACTING CITY CLERK: That's item --

9 COMMISSIONER RIVAS: Uno.

10 MR. FARMER: Dolores Castro, trading as --

11 ACTING CITY CLERK: Item 3.

12 MR. FARMER: -- Uno Bar, --

13 COMMISSIONER RIVAS: Uno Bar.

14 MR. FARMER: -- 3607 --

15 ACTING CITY CLERK: Item 3.

16 MR. FARMER: -- New York Avenue.

17 MAYOR STACK: Okay.

18

19 (Whereupon, Ms. Villon interpreted English
20 to Spanish and Spanish to English for the
21 licensee, Dolores Castro.)

22

23 MR. FARMER: The record should reflect that
24 the licensee is here with --

25 THE INTERPRETER: Dolores Castro.

1 MR. FARMER: With respect to this matter,
2 this -- with respect to this matter, this is a
3 E-141 violation again relative to paper.

4 This bar has been closed for a considerable
5 period of time. When the police officer went
6 there, Detective Dunlay, and asked for paper --
7 for the necessary paperwork, they really didn't
8 have any.

9 Detective Dunlay has worked on this case
10 trying to work with the licensee to get all the
11 paperwork in order. They have a meeting for this
12 Friday -- another meeting for this Friday with
13 the licensee bringing all the paperwork so that
14 the Police can have a comfort level that the
15 paperwork is in order.

16 I've explained to the licensee that if the
17 paperwork -- if they open up and the paperwork
18 isn't in order, we're just going to, you know, go
19 in and make charges against them.

20 We've agreed to a three day suspension in
21 April, which will be the next meeting and
22 Detective Dunlay and the licensee will make sure
23 that she has all the paperwork and she can
24 operate and run a business.

25 So she's entering to a plea of guilty.

1 MAYOR STACK: Okay.

2 Is there any intention of reopening this
3 establishment or no?

4 MR. FARMER: It's my understanding now that
5 there is an intention to reopen it.

6 MAYOR STACK: Okay.

7 MR. FARMER: And that's why I wanted to at
8 least make sure that all the paperwork is in
9 order because for the longest time this place was
10 closed.

11 MAYOR STACK: Okay, upon Mr. Farmer's
12 recommendation, I'll make a motion to approve.

13 ACTING CITY CLERK: Motion made by Mayor
14 Stack.

15 COMMISSIONER FERNANDEZ: Second.

16 ACTING CITY CLERK: Second made by
17 Commissioner Fernandez.

18 Roll call.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes.

21 ACTING CITY CLERK: Commissioner Rivas?

22 COMMISSIONER RIVAS: 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

7 **MAYEM(SIC) CORP., t/a EL TREBOL, 416-418 43rd**

8 **Street (sic):**

9

10 MR. FARMER: The next one, El Trebol, --

11 If I could just skip over that for a minute

12 because that's Mr. Gonzalez's client and it looks

13 to me like we're going to try that case.

14 MAYOR STACK: Okay.

15 MR. FARMER: Okay?

16 * * *

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1 **A & C CORP. t/a ADORO, 414-38th Street**

2

3 MR. FARMER: With respect to Adoro, which
4 is the last one, this is a situation where there
5 really isn't any case.

6 There are two barmaids behind the bar. One
7 of the barmaids later goes into the Police
8 Station and says the other barmaid threw a beer
9 bottle at my feet. All right? And that was the
10 extent of the entire incident.

11 The woman who made the complaint came back
12 the next day and told the Police that she was
13 mistaken when she told them it happened inside;
14 it really happened outside the bar.

15 But whether it happened inside or outside
16 the bar, it's a negligible event. It's somebody
17 -- two people behind the bar, maybe they had
18 words and somebody threw a bottle on the -- close
19 to their feet. I don't think that that's a brawl
20 or a fight and I would recommend we dismiss it.

21 MAYOR STACK: Okay.

22 Upon your recommendation.

23 Motion.

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

1 COMMISSIONER VALDIVIA: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Valdivia.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Rivas?

8 COMMISSIONER RIVAS: 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 MR. FARMER: Okay.

17 * * *

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1 **MAYEM(SIC) CORP. t/a EL TREBOL, 416-418 43rd**

2 **Street (sic):**

3 MR. FARMER: Sol, come on in.

4 We're ready for El Trebol.

5 (Whereupon, there was a pause in the
6 proceedings.)

7 MR. FARMER: Ready, Ray?

8 MR. GONZALEZ: I'm ready.

9 MR. FARMER: Okay. Okay.

10 Officer?

11 Will you swear in --

12 MS. DILLON: Certainly.

13 Officer, please raise your right hand.

14 Do you affirm the testimony you're about to
15 give this Board is the whole truth?

16 DETECTIVE MENDOZA: Yes.

17 MS. DILLON: Could I ask you to please
18 state your name and spell it for the record?

19 DETECTIVE MENDOZA: Detective Peter
20 Mendoza, M-E-N-D-O-Z-A. I'm with the Union City
21 Police Department.

22 MS. DILLON: M-E-N-D-O-Z-A?

23 DETECTIVE MENDOZA: Yes, ma'am.

24 MS. DILLON: Thank you.

25 MR. GONZALEZ: Maybe I should just place --

1 MR. FARMER: Detective, --

2 MR. GONZALEZ: -- my name on the record --

3 MR. FARMER: Okay.

4 MR. GONZALEZ: -- before we start.

5 Ramon Gonzalez, G-O-N-Z-A-L-E-Z. Firm of
6 Gonzalez and Caride on behalf of the bar owner.

7 I would also make a request, I guess, --

8 MS. DILLON: Mr. Gonzalez, could you do it
9 at the --

10 MR. FARMER: Yeah, yeah, it's got to be
11 recorded here.

12 MS. DILLON: By the mic.

13 MR. GONZALEZ: I figured I talk loud
14 enough.

15 But I would request that maybe all the
16 witnesses that Mr. Farmer has be sequestered so
17 at least it's fair and credible the testimony
18 that --

19 MAYOR STACK: I --

20 MR. GONZALEZ: -- the Board hears.

21 MAYOR STACK: I agree.

22 MR. FARMER: Okay.

23 MAYOR STACK: Mr. Farmer, can you do that
24 possibly?

25 MR. FARMER: Yeah. Sure.

1 MAYOR STACK: Maybe in the room next door
2 or -- I don't know if it's closed or not.

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

5 MR. FARMER: Also, since we're sequestering
6 witnesses, I would -- I assume you're only going
7 to have one witness?

8 MR. GONZALEZ: Yes.

9 MR. FARMER: Okay.

10 Let's go.

11 Officer, I'm going to ask you some
12 questions. Keep your voice up so everybody can
13 hear your response.

14 How long have you been a member of the
15 Union City Police Department?

16 DETECTIVE MENDOZA: Eight years, sir.

17 MR. FARMER: Okay.

18 Did there come a time when as a result of
19 being on the force that you encountered or came
20 in contact with an episode dealing with El Trebol
21 restaurant and bar?

22 DETECTIVE MENDOZA: Yes, sir.

23 MR. FARMER: Okay.

24 Where is El Trebol located?

25 DETECTIVE MENDOZA: On the -- 3204

1 Bergenline Avenue.

2 MR. FARMER: Okay.

3 Now did you come across a Mr. Hernandez?

4 DETECTIVE MENDOZA: Yes.

5 MR. FARMER: Okay.

6 How was it that you came involved with Mr.
7 Hernandez?

8 DETECTIVE MENDOZA: Well on December 26 Mr.
9 Hernandez came to the Detective Bureau stating
10 that he was involved in an incident on December
11 15th. He was assaulted --

12 MR. GONZALEZ: Objection.

13 MR. FARMER: Why?

14 MR. GONZALEZ: I'll tell you right now, Mr.
15 Farmer.

16 The notice that my client received for the
17 violation states that the incident occurred on
18 December 16th. I think this is the notice that
19 you served on my client.

20 MR. FARMER: Right. Okay.

21 MR. GONZALEZ: So if the officer's
22 testifying about something that happened on a
23 date other than that, it would be unfair to the
24 applicant to now start preparing a defense.

25 But if the testimony pertains to the

1 incident of December 16th, I wouldn't have an
2 objection. But I think we need a proffer as to
3 why we're talking about the 15th.

4 MR. FARMER: Okay.

5 Can you tell me --

6 DETECTIVE MENDOZA: Well, according to the
7 report that was generated by Officer --

8 MR. FARMER: Goodwin?

9 DETECTIVE MENDOZA: -- Goodwin, the
10 incident occurred on December 15th.

11 MR. FARMER: Okay.

12 MR. GONZALEZ: I would also like the record
13 to reflect that the officer's now testifying --
14 is now testifying from the report made by another
15 officer, not his own.

16 MR. FARMER: Is this your report?

17 DETECTIVE MENDOZA: This portion right here
18 is.

19 MR. FARMER: Right. Okay. All right.

20 I'm just asking you for what information --
21 and, quite frankly, this 15th/16th is
22 night/morning. And I would respectfully request,
23 if we're going to get saying that it's not the
24 16th, it's the 15th, that we have the charges
25 reflect what the testimony is.

1 And the testimony is the 15th to the 16th.
2 And we have proof as to what it is.

3 And if Mr. Gonzalez really wants to get
4 involved in this, we can make an amendment to it
5 and put in the 16th. I really don't see what a
6 typographical mistake means when there's
7 overwhelming proof in this case.

8 MR. GONZALEZ: Well, I have to object to
9 the word overwhelming. But, likewise, if anybody
10 here was ever charged with something, they want
11 to know what day that the allegations against
12 them are being brought forward.

13 So if it was on the 15th, it's the 15th; it
14 was on the 16th, it was the 16th. So I don't
15 think it's that trivial. It's my client's bar,
16 it's their livelihood, so it should be very clear
17 what the charges are and what day.

18 MR. FARMER: Well, the fact of the
19 matter --

20 MAYOR STACK: Let's just --

21 MR. FARMER: Huh?

22 MAYOR STACK: Let's try to be as specific
23 as we can. Just try to go on with the testimony.

24 MR. FARMER: Okay.

25 MAYOR STACK: With the date.

1 MR. FARMER: All right. Continue and just
2 tell us what happened.

3 DETECTIVE MENDOZA: On December 26 Mr.
4 Hernandez came and --

5 MR. FARMER: Keep your voice up.

6 DETECTIVE MENDOZA: -- came to the
7 Detective Bureau to provide a -- to look at a
8 photo gallery of possible suspects.

9 He also provided a statement on that day at
10 approximately 8:11 p.m. In this statement
11 Hernandez has stated that he is the age of 19
12 years old and that he had bought drinks at the
13 Trebol tavern located on 32nd and Bergenline.

14 MR. FARMER: And he gave a statement to
15 that effect?

16 DETECTIVE MENDOZA: Yes he did.

17 MR. FARMER: Okay.

18 And he indicated to you that he was under
19 age?

20 DETECTIVE MENDOZA: That's correct.

21 MR. FARMER: Okay.

22 And did you take -- undertake any steps to
23 make sure that he didn't get his bars mixed up?

24 DETECTIVE MENDOZA: Yes we did.

25 MR. FARMER: And what did you do?

1 Tell me what you did.

2 DETECTIVE MENDOZA: On -- on March 4th
3 Detective Dunlay and I drove Mr. Hernandez to the
4 area which he believed he thought he was drinking
5 at and he pointed out the Trebol tavern, which
6 was located at 3204 Bergenline Avenue.

7 MR. FARMER: Okay.

8 Now, with respect to other than him saying
9 I'm under age, I was in the Trebol restaurant and
10 I was drinking, --

11 He said he was drinking there.

12 Right?

13 DETECTIVE MENDOZA: That's correct.

14 MR. FARMER: Okay.

15 Did he give you any other documentation or
16 proof that would substantiate or corroborate his
17 presence there?

18 DETECTIVE MENDOZA: Yes. On March 4th he
19 provided a copy of a bank statement that stated
20 that on -- a -- an amount of 42.80 was charged to
21 his credit card from the Mayen Corporation, which
22 was posted on December 16th, 2013.

23 MR. FARMER: Mayen Corporation is the El
24 Trebol?

25 DETECTIVE MENDOZA: That's correct.

1 MR. FARMER: All right.

2 Do you have that document or --

3 DETECTIVE MENDOZA: Yes I do.

4 MR. FARMER: Okay.

5 And we're doing right where it says 12/16,
6 right?

7 DETECTIVE MENDOZA: That's correct.

8 MR. FARMER: Okay.

9 You want to see that?

10 MR. GONZALEZ: I'd just like the record to
11 reflect that I was just shown this today.

12 MR. FARMER: Okay.

13 Hold on for a second.

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

16 MR. FARMER: Now, while they're getting
17 that, I want to ask you a question.

18 Dealing with Mr. Hernandez and after you
19 became aware of this charge, did you ask to see
20 or have you seen his credit card?

21 DETECTIVE MENDOZA: Yes I did.

22 MR. FARMER: Okay.

23 Did you compare the information from the
24 bank with -- showing a charge on the 16th for --

25 DETECTIVE MENDOZA: That's correct. The

1 | last four digits of the credit card is matching
2 | the actual purchase --

3 | MR. FARMER: Okay.

4 | DETECTIVE MENDOZA: -- numbers.

5 | MR. FARMER: I want to get this straight.

6 | You got Mr. Hernandez under age. Mr.
7 | Hernandez admitting to you that --

8 | MR. GONZALEZ: I'm going to object to the
9 | characterization of Mr. Farmer.

10 | MR. FARMER: What?

11 | MS. DILLON: Can you stand --

12 | MR. GONZALEZ: I think the --

13 | MS. DILLON: -- stand up please, Mr.
14 | Gonzalez.

15 | MR. GONZALEZ: I'm going to object to Mr.
16 | Farmer now testifying or reiterating the
17 | testimony.

18 | The Board heard the testimony. They can
19 | get out of it what they want. I don't think it
20 | should be recapped again.

21 | MR. FARMER: I think I can try the case the
22 | way I want to try the case.

23 | MR. GONZALEZ: Well, you may try the case
24 | but I'm going to place on the objection that you
25 | shouldn't do it that way because it's prejudice

1 as to the Board.

2 They heard what Officer Mendoza said and
3 they should draw their own opinion.

4 MR. FARMER: I think I can ask a question
5 summarizing what the testimony is and that's what
6 I'm asking the --

7 MAYOR STACK: You can proceed.

8 MR. FARMER: Okay.

9 Now, do I understand it that you have a
10 situation Mr. Hernandez is under age?

11 Correct?

12 DETECTIVE MENDOZA: Yes.

13 MR. FARMER: Says that he was drinking in
14 El Trebol?

15 DETECTIVE MENDOZA: That's correct.

16 MR. FARMER: Gave you proof of a credit
17 card charge on the 16th at El Trebol?

18 DETECTIVE MENDOZA: That's correct.

19 MR. FARMER: And gave you a credit card
20 matching that charge?

21 DETECTIVE MENDOZA: That's correct.

22 MR. FARMER: Okay.

23 I have no further questions.

24 Wait. He may have questions.

25 MR. GONZALEZ: Well I have questions, yes.

1 Lieutenant Mendoza, how long you been on
2 the Police Force?

3 DETECTIVE MENDOZA: It's Detective Mendoza.

4 MR. GONZALEZ: Detective?

5 DETECTIVE MENDOZA: Yes. Eight years.

6 MR. GONZALEZ: I'm sorry; wishful thinking,
7 I guess.

8 DETECTIVE MENDOZA: Thank you.

9 MR. GONZALEZ: So, you've been on the force
10 for how many years?

11 DETECTIVE MENDOZA: Eight years, sir.

12 MR. GONZALEZ: Eight years.

13 DETECTIVE MENDOZA: Yes, sir.

14 MR. GONZALEZ: And you're a Detective, so
15 you're --

16 DETECTIVE MENDOZA: Yes, sir.

17 MR. GONZALEZ: -- used to doing a lot of
18 investigations, I'm assuming?

19 DETECTIVE MENDOZA: Yes.

20 MR. GONZALEZ: And you've done more than
21 one ABC case I would assume?

22 DETECTIVE MENDOZA: That's correct.

23 MR. GONZALEZ: Okay.

24 And on this particular day, the charge is
25 for December 16th.

1 Right?

2 DETECTIVE MENDOZA: That's correct.

3 MR. GONZALEZ: And the charge is for
4 \$42.80.

5 Right?

6 DETECTIVE MENDOZA: Correct.

7 MR. GONZALEZ: Okay.

8 And how much food did my client -- did that
9 individual buy that day?

10 DETECTIVE MENDOZA: That I can't answer.

11 MR. GONZALEZ: And, in fact, you can't even
12 answer if he purchased alcohol?

13 DETECTIVE MENDOZA: That's correct.

14 MR. GONZALEZ: Okay.

15 So you didn't do any more investigation to
16 know if he purchased a pupusa or if he purchased
17 beer?

18 DETECTIVE MENDOZA: That's correct.

19 MR. GONZALEZ: Okay.

20 Now the incident that you say that brought
21 your attention to the victim; --

22 DETECTIVE MENDOZA: Okay.

23 MR. GONZALEZ: -- what's his name?

24 DETECTIVE MENDOZA: Adrian Hernandez.

25 MR. GONZALEZ: And Adrian Hernandez -- the

1 | reason you started this investigation because on
2 | the 26th of December he showed up at the Police --
3 | at the Detective Bureau.

4 | Right?

5 | DETECTIVE MENDOZA: That's correct. That's
6 | when I first made aware of the incident.

7 | MR. GONZALEZ: And isn't it true that the
8 | incident that occurred involving Mr. Hernandez
9 | was an incident that occurred on the 14th going
10 | into the 15th.

11 | Right?

12 | DETECTIVE MENDOZA: That's correct.

13 | MR. GONZALEZ: So, in fact, this credit
14 | card with this payment for the 16th shouldn't have
15 | anything to do for any incident that occurred on
16 | the 15th.

17 | Is that right?

18 | DETECTIVE MENDOZA: I can't answer that.

19 | MR. GONZALEZ: Okay.

20 | So you can't say that it belongs to an
21 | incident that occurred on the 15th or the 14th.

22 | Is that right?

23 | DETECTIVE MENDOZA: The bank may have
24 | posted it the day later.

25 | MR. GONZALEZ: Okay. Well you don't know

1 | that?

2 | DETECTIVE MENDOZA: That's correct, I don't
3 | know that.

4 | MR. GONZALEZ: Okay.

5 | So then all the testimony you just gave
6 | here about him drinking and corroborating it with
7 | the credit cards, you can't confirm that?

8 | DETECTIVE MENDOZA: Only based on his
9 | statement.

10 | MR. GONZALEZ: Only on his statement.

11 | DETECTIVE MENDOZA: That's correct.

12 | MR. GONZALEZ: Do you have a copy of that
13 | statement?

14 | DETECTIVE MENDOZA: Yes I do, right here.

15 | MR. FARMER: Let the record reflect that
16 | the statement has been given to you, as with all
17 | of the Police reports, all of which indicate the
18 | dates and the times.

19 | Is that incorrect what I just said?

20 | MR. GONZALEZ: I don't have any written
21 | statement from the gentleman. I only have the
22 | police reports.

23 | DETECTIVE MENDOZA: Right. The --

24 | MR. FARMER: Yeah.

25 | DETECTIVE MENDOZA: -- the recording is

1 | actually -- it's in evidence. So, I don't have
2 | that with me.

3 | MR. GONZALEZ: Okay.

4 | DETECTIVE MENDOZA: I only have what -- I
5 | have the report -- the summary of what the
6 | statement was.

7 | MR. GONZALEZ: Okay.

8 | So what Mr. Farmer's actually talking about
9 | is a summary of your report; not the actual
10 | statement?

11 | DETECTIVE MENDOZA: It's -- it's a summary
12 | of the statement that I -- I took in the
13 | Detective Bureau.

14 | MR. GONZALEZ: Well, did he sign the
15 | statement?

16 | DETECTIVE MENDOZA: In my report, no.

17 | MR. GONZALEZ: Did -- did you ask this Mr.
18 | Hernandez question by question, record them on a
19 | piece of paper and have him sign it?

20 | DETECTIVE MENDOZA: No, I recorded on
21 | audio-video and -- it was audio and verbally
22 | taken recording.

23 | MR. GONZALEZ: Audio and video.

24 | Did you provide that to Mr. Farmer?

25 | DETECTIVE MENDOZA: No I did not.

1 MR. GONZALEZ: Well didn't you think it was
2 important to provide it to Mr. Farmer to prove
3 your case?

4 DETECTIVE MENDOZA: Sir, that's not my
5 responsibility. That's the property officer's
6 responsibility.

7 MR. GONZALEZ: Okay.

8 And wouldn't you think it would be
9 important for defending a case that you provide
10 all the information to an --

11 DETECTIVE MENDOZA: Absolutely.

12 MR. GONZALEZ: Okay.

13 But it wasn't done in this case?

14 DETECTIVE MENDOZA: I -- I can't answer
15 that.

16 MR. GONZALEZ: Did you do something else to
17 investigate this that you didn't tell Mr. Farmer
18 about?

19 DETECTIVE MENDOZA: No.

20 MR. GONZALEZ: Tell me the date that Mr.
21 Hernandez was supposedly in El Trebol bar.

22 DETECTIVE MENDOZA: According to what he
23 says or --

24 MR. GONZALEZ: According to what he says.

25 DETECTIVE MENDOZA: According to him it was

1 the 15th.

2 MR. GONZALEZ: And --

3 DETECTIVE MENDOZA: At 1 p.m. -- 1 a.m.

4 MR. GONZALEZ: At 1 a.m.

5 DETECTIVE MENDOZA: Yes.

6 MR. GONZALEZ: Was he there the 14th also?

7 DETECTIVE MENDOZA: He told me he was -- he
8 went there at 1 a.m. --

9 MR. GONZALEZ: Okay.

10 DETECTIVE MENDOZA: -- on the 15th.

11 MR. GONZALEZ: Right.

12 And when you did your investigation isn't
13 it true that you found out that he was on 36th
14 Street and Palisade when he was drunk?

15 DETECTIVE MENDOZA: That's correct;
16 according to the report that was written by
17 Officer Goodwin.

18 MR. GONZALEZ: Okay.

19 And that was the reason why this whole
20 incident started?

21 DETECTIVE MENDOZA: I have no idea why the
22 incident started; I wasn't there that day.

23 MR. GONZALEZ: Okay.

24 Do you still have that video statement?

25 DETECTIVE MENDOZA: It should be in the

1 property room, yes.

2 MR. GONZALEZ: I have nothing further.

3 MR. FARMER: Okay.

4 Thank you.

5 (Whereupon, there was a pause in the
6 proceedings.)

7 MR. FARMER: Is he here? Where is he?

8 MS. VILLON: He's coming.

9 MR. FARMER: Okay.

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

12 MS. DILLON: Let me swear you in as an
13 interpreter first.

14 MS. VILLON: Yeah.

15 MS. DILLON: Please raise your right hand.

16 Do you affirm that the interpretations you
17 will do from English to Spanish and Spanish to
18 English will be done to the best of your ability?

19 MS. VILLON: I do.

20 Sol Villon, V-I-L-L-O-N, AOC Interpreter,
21 Spanish.

22 MS. DILLON: Thank you.

23

24 (Whereupon, Ms. Villon interpreted English
25 to Spanish and Spanish to English for Adrian

1 Hernandez.)

2

3 MS. DILLON: Sir, please raise your right
4 hand.

5 Do you affirm the testimony you're about to
6 give this Board is this whole truth?

7 THE INTERPRETER: Yes.

8 MS. DILLON: Please state your name and
9 spell it for the record.

10 MR. HERNANDEZ: (In English) Adrian
11 Hernandez.

12 THE INTERPRETER: Adrian Hernandez.

13 MS. DILLON: Spell the first name.

14 THE INTERPRETER: A-D-R-I-A-N.

15 MS. DILLON: Last name?

16 MR. HERNANDEZ: (In English) Hernandez.

17 THE INTERPRETER: H-E-R-N-A-D-E-Z (sic).

18 MR. FARMER: Mr. Hernandez, where do you
19 live?

20 THE INTERPRETER: 50th Street.

21 MR. FARMER: Okay.

22 And do you remember going to the Police in
23 December?

24 THE INTERPRETER: Are you asking if I went
25 to the Police Precinct?

1 MR. FARMER: Yes.

2 THE INTERPRETER: Could you repeat the
3 question?

4 MR. FARMER: Okay. We'll ask another
5 question.

6 How old are you?

7 THE INTERPRETER: Nineteen.

8 MR. FARMER: Okay.

9 When you were 19 were you ever in a bar, El
10 Trebol, on 32nd and Bergenline Avenue?

11 MR. GONZALEZ: I'm going to object to that
12 question.

13 MR. FARMER: Okay. Don't answer.

14 The objection?

15 MAYOR STACK: You want to state your --

16 MR. GONZALEZ: The objection is it's not
17 specific. You just stated has he ever been in
18 Trebol bar in December.

19 I think what we need to do is get a little
20 specificity. The charge is the 16th; it's not the
21 14th, it's not the 15th, it's the 16th.

22 MR. FARMER: Just asking a question.

23 THE INTERPRETER: It was on the 15th.

24 MR. FARMER: Okay.

25 Now was that they only time you were in El

1 Trebol, on December 15th?

2 THE INTERPRETER: Yes.

3 MR. FARMER: Okay.

4 And when you were in El Trebol on the 15th,
5 when you walked in, did anybody ask you for
6 identification or proof of age?

7 MR. GONZALEZ: Objection.

8 Mr. Farmer's being extremely leading. He
9 could ask this gentleman --

10 MS. DILLON: Mr. Gonzalez, you --

11 MR. GONZALEZ: -- what happened when he
12 walked in.

13 MS. DILLON: -- you have to stand up and
14 make your objection, please.

15 MR. GONZALEZ: Mr. Farmer's being leading.
16 He should ask the individual what happened when
17 he walked in. Not the question that he asked.

18 MS. VANEK: Well these proceedings --

19 MR. FARMER: I can direct a witness to --

20 MR. GONZALEZ: He's your witness; he's not
21 be cross-examined.

22 On direct you're not allowed to lead.

23 MS. VANEK: The evidential rules are very
24 relaxed in this type of a hearing.

25 Mr. Farmer, maybe you could rephrase the

1 question?

2 MR. FARMER: Sure.

3 When you walked into the bar did anybody
4 ask you for proof of age?

5 THE INTERPRETER: No.

6 MR. FARMER: And when you walked into the
7 bar did you order any alcohol?

8 THE INTERPRETER: Yes.

9 MR. FARMER: And when you ordered the
10 alcohol were you served the alcohol?

11 THE INTERPRETER: Yes, of course.

12 MR. FARMER: Did anybody say to you, gee,
13 you don't look 21?

14 THE INTERPRETER: No.

15 MR. FARMER: Did anybody say are you 21?

16 THE INTERPRETER: No.

17 MR. FARMER: And when you ordered the
18 alcohol did you drink the alcohol?

19 THE INTERPRETER: Yes.

20 MR. FARMER: Did you become intoxicated as
21 a result?

22 MR. GONZALEZ: Objection.

23 MR. FARMER: Fine; I'll withdraw that.

24 What did you drink when you were in Trebol?

25 THE INTERPRETER: Beer.

1 MR. FARMER: How many beers did you drink?

2 THE INTERPRETER: Five.

3 MR. FARMER: Okay.

4 Now when you -- did there come a time when
5 you left?

6 THE INTERPRETER: Yes.

7 MR. FARMER: And prior to leaving did you
8 pay for the alcohol that you had drunk, the five
9 or six -- the five beers?

10 THE INTERPRETER: Correct. Yes.

11 MR. FARMER: All right.

12 I'm going to show you a document marked P-
13 1.

14 You remember being here last time -- not
15 here but before the Board about two weeks ago?

16 MR. HERNANDEZ: Si.

17 MR. FARMER: Okay.

18 And after it was over did you go with the
19 police officers and point out the bar that you
20 had been drinking in?

21 THE INTERPRETER: Yes. Correct.

22 MR. FARMER: Okay.

23 And when you -- after having the beers did
24 you pay for them?

25 THE INTERPRETER: Yes.

1 MR. FARMER: Okay.

2 Did you pay for them with this credit card?

3 THE INTERPRETER: Yes.

4 MR. FARMER: Okay.

5 I'm going to show you what's been marked
6 P-1 and I'm going to direct your attention to a
7 notation, December 16, '13.

8 What is this piece of paper?

9 THE INTERPRETER: It's proof from my cell
10 phone actually but I do not know why all the
11 dates appear here to be posted at one day after I
12 did pay.

13 MR. FARMER: Okay.

14 So you're saying this was posted the day
15 after you paid?

16 THE INTERPRETER: It was on the 15 but it
17 that was not posted, yes, until the 16.

18 MR. FARMER: Okay.

19 MAYOR STACK: Just for our knowledge, the
20 paper that we're looking at is --

21 What is that a credit card receipt?

22 MR. GONZALEZ: I think it's a cell phone
23 image.

24 MAYOR STACK: A cell phone image? Okay.

25 THE INTERPRETER: I retrieved from my

1 phone. I get all receipts of all my payments I
2 keep -- my cell.

3 MR. FARMER: And this is a receipt of your
4 payment?

5 THE INTERPRETER: Yes.

6 MR. FARMER: And you said something in your
7 answer and you used the word proof. Proof of
8 what?

9 What does this prove?

10 THE INTERPRETER: That I paid at the bar.

11 MR. FARMER: And that you were in the bar?

12 THE INTERPRETER: Yes.

13 MR. FARMER: How long were you in the bar?

14 THE INTERPRETER: An hour, an hour and
15 twenty minutes.

16 MR. FARMER: Okay.

17 After you left the bar what happened?

18 THE INTERPRETER: I left and then behind me
19 followed some guys. They pushed me from the
20 back. Then I got to the corner, I turned back, I
21 defended myself and I struck one of them. I hit
22 the guy and then when I hit him the guy said
23 don't hit me anymore. So then another one came
24 around me, behind me, and they began to strike
25 me. And then after that I do not remember until

1 I awoke at the hospital.

2 MR. FARMER: And how long were you in the
3 hospital?

4 THE INTERPRETER: One night.

5 MR. FARMER: Okay.

6 And then there came a time when you went to
7 the Police?

8 THE INTERPRETER: Yes.

9 MR. FARMER: And --

10 THE INTERPRETER: Yes, I went to file a
11 complaint.

12 MR. FARMER: Okay.

13 And when you went to the Police, did you
14 tell them the story that you just told us?

15 THE INTERPRETER: Yes.

16 MR. FARMER: Okay.

17 Now, two questions.

18 Was anyone with you?

19 THE INTERPRETER: Yes, a friend.

20 MR. FARMER: Okay.

21 And what's his name?

22 THE INTERPRETER: Eduardo.

23 MR. FARMER: Okay.

24 Now of all the bars in Union City, --

25 Strike that.

1 You were only in El Trebol once?

2 THE INTERPRETER: Yes, just once.

3 MR. FARMER: I want you to tell me why you
4 thought you were going to be served alcohol at
5 age 19 at El Trebol.

6 MR. GONZALEZ: Objection.

7 Totally irrelevant what he may think why
8 he's going someplace. It's whether it happened
9 that day and we don't even have the same day as
10 the incident occurring.

11 MAYOR STACK: You want to rephrase that,
12 Mr. Farmer?

13 MR. FARMER: You know what, I'll withdraw
14 it.

15 But there's no question about it, you were
16 in that bar --

17 THE INTERPRETER: Yes.

18 MR. FARMER: -- drinking?

19 THE INTERPRETER: Yes.

20 MR. FARMER: And you're 19?

21 THE INTERPRETER: True.

22 MR. FARMER: Any -- any doubt or question
23 about that?

24 THE INTERPRETER: I'm sure. Sure.

25 MR. FARMER: Okay.

1 And you paid with this card?

2 THE INTERPRETER: Yes.

3 MR. FARMER: And this is the receipt you
4 got from your phone indicating payment?

5 THE INTERPRETER: Yes.

6 MR. FARMER: Okay.

7 I have no further questions.

8 MR. GONZALEZ: Mr. Hernandez, this alleged
9 incident that happened to you happened on the
10 15th?

11 THE INTERPRETER: Yes.

12 MR. GONZALEZ: Didn't happen on the 16th?

13 THE INTERPRETER: No.

14 MR. GONZALEZ: But the statement that you
15 show us here shows on the 16th.

16 Is that right?

17 THE INTERPRETER: Yes.

18 MR. GONZALEZ: Okay.

19 And it has to do with this credit card.

20 Correct?

21 THE INTERPRETER: Yes, it's a debit card
22 actually.

23 MR. GONZALEZ: Okay.

24 And the restaurant that Mr. Farmer keeps
25 calling a bar is actually a restaurant with

1 tables?

2 THE INTERPRETER: Yes.

3 MR. GONZALEZ: Okay.

4 If you were in there on the 16th, how did
5 you have an incident that happened on the 14th
6 into the 15th?

7 THE INTERPRETER: I do not understand.

8 MR. GONZALEZ: You know what, it's hard for
9 me to understand too. Because Mr. Farmer's
10 telling us that --

11 MR. FARMER: Can we --

12 Wait, I have an objection now.

13 Can we ask a question without a soliloquy?

14 Just ask the question.

15 MR. GONZALEZ: Mr. Farmer said that the
16 incident happened on the 16th.

17 MR. FARMER: I'm going to object.

18 Hold on.

19 I'm going to object because I don't want to
20 be obstreperous but I didn't say anything; that's
21 number one.

22 But number two, --

23 MR. GONZALEZ: Mr. Farmer, --

24 MR. FARMER: -- his testimony --

25 Hold on please.

1 MR. GONZALEZ: -- you're giving us --

2 MR. FARMER: Hold on.

3 MR. GONZALEZ: -- a document that says the
4 incident occurred on the 16th.

5 MR. FARMER: Okay. Okay.

6 If it turns out that it happened on the
7 15th, then I would simply make an application to
8 have the charge conform to the testimony.

9 We're getting away from the facts here.
10 The kid was in there and he's 19 drinking.

11 MR. GONZALEZ: In every case that came
12 before this Board or any jurisdictional court,
13 you make the case up and you gear it around the
14 testimony that's given, it would clearly violate
15 the poor person's right who was being accused,
16 Mr. Farmer.

17 So you know very well --

18 MR. FARMER: How can you say that?

19 MR. GONZALEZ: -- when we're here -- when
20 we're here, as we are in any court, it's to
21 defend on what the charges are.

22 MR. FARMER: Yeah.

23 MR. GONZALEZ: Not that they happened on
24 the 14th, the 15th; your allegation is that this
25 happened on the 16th.

1 My question is you're now saying this
2 happened on the 15th.

3 Is that not right, sir?

4 THE INTERPRETER: Correct.

5 MR. GONZALEZ: Okay.

6 Did -- the officer that was here that you
7 gave a statement to, did you provide him proof of
8 your age?

9 THE INTERPRETER: Yes.

10 MR. GONZALEZ: What did you give to him?

11 THE INTERPRETER: My passport.

12 MR. GONZALEZ: And that was given while it
13 was being recorded with the video?

14 THE INTERPRETER: Yes it was recorded and
15 also before we recorded I showed him my ID.

16 MR. GONZALEZ: So the police officer
17 videotaped you and did questions without
18 videotaping you?

19 THE INTERPRETER: Yes.

20 MR. GONZALEZ: So did the officer prepare
21 you or ask you questions before he videotaped
22 you?

23 THE INTERPRETER: No, it didn't seem like
24 it.

25 MR. GONZALEZ: Well, maybe it --

1 THE INTERPRETER: Didn't seem like it.

2 MR. GONZALEZ: -- didn't seem it but did he
3 ask you questions before he started videotaping
4 your statement?

5 THE INTERPRETER: Yes some questions but --

6 MR. GONZALEZ: Okay.

7 Did he ask you --

8 MR. FARMER: But what?

9 But what? Finish your --

10 THE INTERPRETER: But not as to -- well,
11 questions such as my age. Not as to the -- the
12 events.

13 MR. GONZALEZ: Okay.

14 So the -- the officer didn't know that you
15 were involved in a fight --

16 MR. FARMER: Judge, I'm --

17 MR. GONZALEZ: -- prior to your tape --

18 MR. FARMER: I'm going to object --

19 MR. GONZALEZ: -- statement?

20 MR. FARMER: I'm going to object because it
21 calls for a mental conclusion of somebody else.
22 And if he wanted to ask that the officer was here
23 and still is here that he can ask it.

24 But I don't think you can ask somebody
25 what's the mental attitude of somebody else.

1 MR. GONZALEZ: You know what? In this
2 situation you absolutely can. Because we have a
3 video statement of what this gentleman gave to
4 that police officer.

5 So as to credibility, I can ask that
6 individual this question.

7 MR. FARMER: What's the question?

8 MS. VANEK: Mr. Gonzalez is on cross.

9 MR. FARMER: What the officer thought?

10 MS. VANEK: So he has a lot of latitude.
11 He can ask whatever he'd like.

12 MAYOR STACK: Okay.

13 MR. GONZALEZ: Did the officer ask you if
14 you were involved in the fight on 36th and
15 Palisade prior to him taking your video
16 statement?

17 THE INTERPRETER: Obviously when I arrived
18 there to give a statement I was going to tell him
19 what had happened. So he already knew in his
20 mind as to what had happened. He didn't -- he
21 didn't ask me; I told him.

22 MR. GONZALEZ: Okay.

23 And that was -- then you gave a video
24 statement?

25 THE INTERPRETER: Exactly.

1 MR. GONZALEZ: Okay.

2 And in your video statement did you tell
3 him what time you went into the bar?

4 THE INTERPRETER: Yes.

5 MR. GONZALEZ: And what time did you tell
6 him?

7 THE INTERPRETER: Like around 1, 1:20.

8 MS. VILLON: P.m. or a.m.?

9 MR. GONZALEZ: In the morning?

10 THE INTERPRETER: Yes, yes, morning hours.

11 MR. GONZALEZ: Okay.

12 And did you go in with your friend Eduardo?

13 THE INTERPRETER: Yes.

14 MR. GONZALEZ: And did Eduardo leave with
15 you?

16 THE INTERPRETER: Yes.

17 MR. GONZALEZ: Okay.

18 And what time did you leave?

19 THE INTERPRETER: Like five minutes before
20 they closed.

21 MR. GONZALEZ: What time did they close?

22 THE INTERPRETER: Exactly I don't know but
23 I think they close around 2.

24 MR. GONZALEZ: Okay.

25 And when you left there where'd you go?

1 THE INTERPRETER: When I left, well, I was
2 jumped on, beaten up and then taken to the
3 hospital.

4 MR. GONZALEZ: That happened outside?

5 THE INTERPRETER: Yes.

6 MR. GONZALEZ: Okay, on what street?

7 THE INTERPRETER: At the corner of 32nd and
8 Bergenline Avenue.

9 MR. GONZALEZ: Would it surprise you that
10 the officer says that you were on 36th and
11 Palisade?

12 THE INTERPRETER: No because -- well, I
13 would be surprised, I cannot believe that it --
14 that I appeared there.

15 MR. GONZALEZ: So the police officer who
16 prepared a report saying that is not telling the
17 truth?

18 MR. FARMER: I'm going to object to that.
19 I'm going to object to a couple of things.

20 First of all, I don't think it's proper to
21 categorize or -- another person's testimony. You
22 hear everything and make a decision.

23 But I also say -- object to the word lying;
24 nobody's lying.

25 All right?

1 If a police officer puts something down,
2 police officer puts something down. But he's not
3 lying. I mean why would he be lying? There's no
4 motive.

5 So I object to that. I --

6 MR. GONZALEZ: Maybe the officer isn't
7 lying; maybe this gentleman's lying.

8 MR. FARMER: Yeah. Okay.

9 MR. GONZALEZ: Glad we agree on that.
10 So where were you sitting in the
11 restaurant?

12 THE INTERPRETER: On a chair.

13 MR. GONZALEZ: Okay.

14 At a table?

15 THE INTERPRETER: On a table, yes.

16 MR. GONZALEZ: Okay.

17 Is the -- is the chair and table close to
18 the front door?

19 THE INTERPRETER: Yes. At the entrance,
20 yes.

21 MR. GONZALEZ: Is it the first table?

22 THE INTERPRETER: You can say that, yes.

23 MR. GONZALEZ: Okay.

24 And you were there from about 1:20 in the
25 morning till a little before 2:00?

1 THE INTERPRETER: Yes.

2 MR. GONZALEZ: You and Eduardo?

3 MR. HERNANDEZ: Uh-huh.

4 MR. GONZALEZ: Anybody else?

5 THE INTERPRETER: No.

6 MR. GONZALEZ: Okay.

7 And you paid \$42.80?

8 THE INTERPRETER: Yes.

9 MR. GONZALEZ: And that was for five beers?

10 THE INTERPRETER: No, for two buckets.

11 MR. GONZALEZ: Okay, you drank two buckets?

12 THE INTERPRETER: Twenty dollars each.

13 He drank one and I drank one.

14 MR. GONZALEZ: Okay.

15 And you paid the bill?

16 THE INTERPRETER: Yes.

17 MR. GONZALEZ: Okay.

18 Was he your date that day or --

19 MR. FARMER: Objection; that's irrelevant.

20 MR. GONZALEZ: Okay.

21 I have nothing further.

22 MR. FARMER: Everything you told us now
23 is that the truth?

24 THE INTERPRETER: Yes.

25 MR. FARMER: Prior to going there that

1 night, had you ever been in El Trebol?

2 THE INTERPRETER: No.

3 MR. FARMER: Was that the one and only time
4 in your life that you'd been there?

5 THE INTERPRETER: Yes.

6 MR. FARMER: Okay, I have no further
7 questions.

8 COMMISSIONER FERNANDEZ: Mr. Farmer, excuse
9 me, sir.

10 At what time is the stamp that the -- the
11 time stamp on the credit card payment?

12 MR. FARMER: The stamp off the card -- and
13 I can give it to you -- it's December 16th.

14 COMMISSIONER FERNANDEZ: But what time?

15 What time was it --

16 MR. FARMER: Doesn't seem to have a time.

17 COMMISSIONER FERNANDEZ: Doesn't have a
18 time?

19 MR. FARMER: No.

20 Well, let me ask you, can you -- off your
21 phone --

22 MS. DILLON: Go back to the microphone, Mr.
23 Farmer.

24 MR. FARMER: Okay.

25 Off your phone, can you tell the time of

1 the charge?

2 THE INTERPRETER: The same way that it
3 appears there it appears on the cell. The same
4 way it shows there, shows on the cell.

5 COMMISSIONER FERNANDEZ: And till what time
6 was he there?

7 MR. FARMER: About five minutes to closing.

8 THE INTERPRETER: Yes.

9 MAYOR STACK: And what time did he arrive
10 there?

11 THE INTERPRETER: About one.

12 COMMISSIONER FERNANDEZ: Mr. Gonzalez, is
13 your -- is your client here?

14 MR. GONZALEZ: My client is here. And as
15 we had spoken originally, Mr. Farmer and I, he
16 was going to take his testimony and put his
17 testimony on; when he finishes I have quite a bit
18 of testimony, so we would ask to continue it --

19 MAYOR STACK: Sure.

20 MR. GONZALEZ: -- so we can do this.

21 MAYOR STACK: Sure.

22 MR. GONZALEZ: But I'll wait for Mr. Farmer
23 to finish.

24 MR. FARMER: I'm --

25 MR. GONZALEZ: I don't want to rush him.

1 MR. FARMER: I'm finished.

2 Hold on.

3 No, no you got --

4 You're finished? You got any questions for
5 him?

6 MR. GONZALEZ: I'm done.

7 MR. FARMER: Oh, you're done. Okay.
8 Detective?

9 MS. VILLON: Do we still have to --

10 MR. FARMER: No.

11 MS. VILLON: No. Okay.

12 MR. FARMER: You're still under oath.

13 DETECTIVE MENDOZA: Yes, sir.

14 MR. FARMER: All right. Now, with respect
15 to the testimony you heard, --

16 DETECTIVE MENDOZA: Correct.

17 MR. FARMER: -- you've talked to Mr.
18 Hernandez, have you not?

19 DETECTIVE MENDOZA: Yes.

20 MR. FARMER: Okay.

21 And earlier today there was discussions
22 between you and Mr. Gonzalez and there was
23 sharing of information.

24 Correct?

25 DETECTIVE MENDOZA: That's correct. Yeah.

1 MR. FARMER: Did Mr. Gonzalez --

2 MR. GONZALEZ: Well, I'm -- I'm going to
3 object.

4 MR. FARMER: What?

5 MR. GONZALEZ: I'm going to object to the
6 sharing of information because there really isn't
7 a two-way street here. I have a video that I'd
8 like to provide to them but I didn't even know
9 that they had a video of what happened here. So
10 I'd like that before I -- so I could have it
11 before my -- my case goes on.

12 MR. FARMER: Okay.

13 MAYOR STACK: Will you be able to provide
14 that?

15 MR. GONZALEZ: So there wasn't a lot of
16 sharing --

17 MR. FARMER: Huh?

18 MR. GONZALEZ: -- as Mr. Farmer says.

19 MAYOR STACK: Will you be able to provide
20 that?

21 MR. FARMER: Sure.

22 You'll get it for me and I'll give it to
23 Mr. Gonzalez. Okay.

24 But this is my question. Earlier today
25 when you were with Mr. Gonzalez --

1 DETECTIVE MENDOZA: Yes.

2 MR. FARMER: -- and it was pointed out
3 about this document indicating the charge at his
4 establishment, --

5 DETECTIVE MENDOZA: That's correct.

6 MR. FARMER: Okay?

7 -- did Mr. Gonzalez show you receipts?

8 DETECTIVE MENDOZA: That's correct.

9 MR. FARMER: Okay.

10 Did he show you a receipt that tied into
11 this charge?

12 DETECTIVE MENDOZA: Yes.

13 MR. FARMER: And what did that receipt
14 show?

15 DETECTIVE MENDOZA: It basically shows the
16 charge of 42.80 and it has the last four digits
17 of the credit card number on the receipt.

18 MR. FARMER: And that's the receipt that
19 was produced by El Trebol?

20 DETECTIVE MENDOZA: That's correct.

21 MR. FARMER: Okay.

22 So El Trebol produced a receipt indicating
23 the date, indicating the purchase, and indicating
24 the last four digits of the credit card that was
25 charged in here.

1 Correct?

2 DETECTIVE MENDOZA: That's correct.

3 MR. FARMER: I have no further questions.

4 COMMISSIONER FERNANDEZ: Officer, I have a
5 question for you.

6 DETECTIVE MENDOZA: Sure.

7 COMMISSIONER FERNANDEZ: Have you ever been
8 to the Trebol bar late at night at any other
9 time?

10 DETECTIVE MENDOZA: Prior to that, yes,
11 when I was in Patrol.

12 COMMISSIONER FERNANDEZ: Have you ever seen
13 anybody having dinner there at one o'clock in the
14 morning?

15 DETECTIVE MENDOZA: I don't remember. I
16 don't recall. That was a long time ago --

17 COMMISSIONER FERNANDEZ: You don't recall.
18 Okay. All right.

19 DETECTIVE MENDOZA: -- the last time I was
20 at Trebol.

21 COMMISSIONER FERNANDEZ: Can I ask the
22 other officers?

23 MR. FARMER: Yeah. You can ask.

24 COMMISSIONER FERNANDEZ: Gentlemen?

25 MR. FARMER: Detective Dunlay?

1 DETECTIVE DUNLAY: Yes, sir.

2 COMMISSIONER FERNANDEZ: Detective, --

3 Detective Dunlay, --

4 MAYOR STACK: He has to be sworn.

5 MR. FARMER: Let's swear him.

6 COMMISSIONER RIVAS: He has to be sworn.

7 MS. DILLON: Let me swear you in.

8 Detective, please raise your right hand.

9 Do you affirm the testimony you're about to
10 give this Board is the whole truth?

11 DETECTIVE DUNLAY: Yes I do.

12 MS. DILLON: Please state your name for the
13 record.

14 DETECTIVE DUNLAY: David Dunlay, D-U-N-L-A-
15 Y.

16 MS. DILLON: Thank you.

17 COMMISSIONER FERNANDEZ: Have you ever been
18 to El Trebol bar late at night after -- after
19 midnight?

20 DETECTIVE DUNLAY: Yes, sir.

21 COMMISSIONER FERNANDEZ: Have you ever seen
22 anybody having dinner at that time?

23 DETECTIVE DUNLAY: They have -- they have
24 two sections. El Trebol has one section which is
25 dedicated, I guess, to food serving and the other

1 section by the bar. It's kind of like cordoned
2 off. That's more of the drinking section.

3 COMMISSIONER FERNANDEZ: But after 12
4 o'clock at night you've seen people having
5 dinner?

6 Can you recall?

7 DETECTIVE DUNLAY: Not that I recall, no.

8 COMMISSIONER FERNANDEZ: How about one --
9 how about one o'clock; you ever seen anybody
10 having dinner there?

11 DETECTIVE DUNLAY: No, sir.

12 COMMISSIONER FERNANDEZ: Have you ever
13 smelled food there at one o'clock in the morning?

14 DETECTIVE DUNLAY: You smell food. The
15 general aroma in the establishment is -- you do
16 smell food.

17 COMMISSIONER FERNANDEZ: But you don't
18 recall anybody having --

19 DETECTIVE DUNLAY: No.

20 COMMISSIONER FERN: -- dinner at that time?

21 DETECTIVE DUNLAY: No, sir.

22 COMMISSIONER FERNANDEZ: Okay.

23 The other officer? Could we -- can we call
24 him as well?

25 MS. DILLON: Please raise your right hand.

1 Do you affirm the testimony you're about to
2 give this Board is the whole truth?

3 DETECTIVE RENGEL: Yes.

4 MS. DILLON: Please state your name and
5 spell it for the record.

6 DETECTIVE RENGEL: Detective Christopher
7 Rengel, I.D. 379, R-E-N-G-E-L.

8 MS. DILLON: Thank you.

9 DETECTIVE RENGEL: Sure.

10 COMMISSIONER FERNANDEZ: Detective, have
11 you entered El Trebol after midnight at any other
12 time in history since you've been a police
13 officer?

14 DETECTIVE RENGEL: Yes I have, sir.

15 COMMISSIONER FERNANDEZ: Have you ever seen
16 anybody having dinner at midnight at Trebol bar?

17 DETECTIVE RENGEL: At that time not that I
18 can recall, no, sir.

19 COMMISSIONER FERNANDEZ: How about one
20 o'clock in the morning?

21 DETECTIVE RENGEL: No, sir.

22 COMMISSIONER FERNANDEZ: How about quarter
23 of two in the morning?

24 DETECTIVE RENGEL: No, sir.

25 COMMISSIONER FERNANDEZ: All right.

1 Thank you very much.

2 DETECTIVE RENGEL: Thank you.

3 MR. GONZALEZ: Could I ask him a question?
4 I mean based on your questioning.

5 Have you ever gone there and ordered food
6 at 1:30 in the morning?

7 DETECTIVE RENGEL: Personally?

8 MR. GONZALEZ: Yes, personally.

9 DETECTIVE RENGEL: No, sir.

10 MR. GONZALEZ: Okay.

11 And when you've gone there --

12 MS. DILLON: Just stand up, Mr. Gonzalez,
13 please.

14 MR. GONZALEZ: I'm sorry.

15 And when you've gone there, do you walk up
16 and down the whole area where the food
17 establishment is?

18 DETECTIVE RENGEL: Depends on the
19 circumstance.

20 MR. GONZALEZ: Okay, well, you're
21 testifying here and you're saying that you never
22 saw anybody eat.

23 DETECTIVE RENGEL: Right that I recall.

24 MR. GONZALEZ: That you recall.

25 In fact there could have been somebody

1 eating.

2 Right?

3 DETECTIVE RENGEL: Yeah there could be
4 possibly.

5 MR. GONZALEZ: I have nothing --

6 DETECTIVE RENGEL: There's always a
7 possibility.

8 MR. GONZALEZ: Yes.

9 Thank you.

10 DETECTIVE RENGEL: Thank you.

11 MR. FARMER: But if they were eating you
12 never saw them?

13 DETECTIVE RENGEL: Not that I recall, sir.

14 MR. FARMER: Okay. Fine.

15 Detective?

16 MS. DILLON: Please raise your right hand.

17 MR. GONZALEZ: I guess they only think --

18 MS. DILLON: Do you affirm the testimony --

19 MR. GONZALEZ: -- White Castle has food at
20 night.

21 MS. DILLON: -- you're about to give this
22 Board is the whole truth?

23 LIEUTENANT LOACES: It is.

24 MS. DILLON: Please state your name and
25 spell it for the record.

1 LIEUTENANT LOACES: Lieutenant Loaces, L-O-
2 A-C-E-S.

3 COMMISSIONER FERNANDEZ: Lieutenant, same
4 question.

5 Have you ever entered El Trebol bar anytime
6 after midnight? Let's say at midnight?

7 LIEUTENANT LOACES: I have. I have.

8 COMMISSIONER FERNANDEZ: You have?

9 LIEUTENANT LOACES: Um-hum.

10 COMMISSIONER FERNANDEZ: And you ever seen
11 anybody having dinner at midnight at Trebol bar?

12 LIEUTENANT LOACES: I have no independent
13 recollection --

14 COMMISSIONER FERNANDEZ: How about at one
15 o'clock --

16 LIEUTENANT LOACES: -- of anyone having
17 dinner at that time.

18 COMMISSIONER FERNANDEZ: How about at one
19 o'clock in the morning?

20 LIEUTENANT LOACES: I don't believe so.

21 COMMISSIONER FERNANDEZ: How about at five
22 minutes of two?

23 LIEUTENANT LOACES: Once again I'm -- I
24 don't think so.

25 COMMISSIONER FERNANDEZ: So your

1 recollection's that you -- you never seen anybody
2 having dinner past midnight from midnight to two
3 o'clock in the morning at Trebol bar?

4 LIEUTENANT LOACES: I can't say that I have
5 any independent recollection of going in there at
6 the hours you mentioned and observing anyone at a
7 table having a meal.

8 COMMISSIONER FERNANDEZ: Thank you.

9 MR. FARMER: Okay.

10 Thank you.

11 I don't have any other questions and I
12 would just like to get an indication from the
13 Board how we can proceed.

14 You may recall last time we were here --
15 and Mr. Gonzalez obviously can speak for himself
16 -- but it was that they had a video that they
17 wanted to show to the Board that was going to be
18 about two hours.

19 Okay?

20 And what I suggested at that time was that
21 perhaps the Police could take a look at it and
22 maybe after the Police could look at it we could
23 come to some kind of stipulation so this Board
24 doesn't have to sit here till 11:00 watching a
25 bar.

1 Okay?

2 Unfortunately because of I guess
3 commitments and things like that, Mr. Gonzalez
4 was unable to get the video to the Police until
5 tonight.

6 Okay?

7 So he indicates that he wants to see the
8 video of the kid giving his testimony -- the
9 statement, that's fine.

10 I would suggest that perhaps with that we
11 could exchange our --

12 MAYOR STACK: I --

13 MR. FARMER: -- respective videos.

14 MAYOR STACK: I was going to say why don't
15 you exchange videos and we'll continue it at the
16 next meeting.

17 MR. FARMER: Fine.

18 MR. GONZALEZ: Well, I think that's a great
19 idea but I -- now that we know the limited
20 portion of time that we're dealing with, -- and
21 clearly one of the Commissioners is asking if the
22 people are eating food, maybe we could see a
23 video where they may be eating food, so that will
24 answer his question. And we'll have the time
25 stamp as to when this is going on.

1 MAYOR STACK: I would have --

2 MR. GONZALEZ: So, --

3 MAYOR STACK: -- no problem doing that.

4 MR. GONZALEZ: So, since it's a shorter
5 period of time, I don't think that there would be
6 a problem.

7 MAYOR STACK: We've done that before. We
8 could do it.

9 Just make sure that --

10 MR. GONZALEZ: I'll bring a projector.

11 MAYOR STACK: Just make sure that we have
12 some type of -- I guess it's a computer, right,
13 that you could use, --

14 MR. GONZALEZ: I have one.

15 MAYOR STACK: -- right, to show this video?

16 MR. GONZALEZ: I have one.

17 MS. VANEK: On a laptop, Ray?

18 MR. GONZALEZ: I got the projector and the
19 screen.

20 MAYOR STACK: Okay.

21 MR. GONZALEZ: I'll set it up. I do --

22 MAYOR STACK: Good.

23 MR. FARMER: Okay.

24 MAYOR STACK: Where is the next meeting?

25 MS. VANEK: The next meeting is 2200

1 Kennedy.

2 MAYOR STACK: At the Early Childhood
3 Center. So it works out fine.

4 MR. GONZALEZ: Okay. Great.

5 MAYOR STACK: All right?

6 The next meeting is on, so we'll -- we'll
7 adjourn this until --

8 What's the next meeting date?

9 MS. VANEK: April 1st, --

10 ACTING CITY CLERK: April 1st.

11 MS. VANEK: -- Mayor.

12 MAYOR STACK: April 1st.

13 MR. GONZALEZ: Oh, April Fool's Day.

14 MR. FARMER: Okay.

15 Let me get this straight, so -- I just want
16 to get it on the record what I'm giving you and
17 you're giving me.

18 Are you not going to give us the video that
19 --

20 MR. GONZALEZ: I'll give you the video, Mr.
21 Farmer.

22 MR. FARMER: Well, --

23 MR. GONZALEZ: I just want them to see it.

24 I don't want them just to hear a
25 stipulation of an officer.

1 MAYOR STACK: He's going to give it --

2 MR. GONZALEZ: It's their eyes.

3 MAYOR STACK: He's going to give it and
4 then he's going to show it to us that night that
5 time frame.

6 MR. FARMER: Okay.

7 MR. GONZALEZ: Okay?

8 MR. FARMER: And the video that you're
9 going to give me is going to have that timeframe?

10 MR. GONZALEZ: It's going to have that
11 timeframe.

12 MR. FARMER: Fine. Okay. We'll take it
13 whenever you got it. If you got it now, we'll
14 take it now.

15 MR. GONZALEZ: I only have one copy; I'll
16 have it made.

17 MR. FARMER: When?

18 You said that the last time.

19 MR. GONZALEZ: Yeah but the last time you
20 gave me different dates. Now we know we're
21 dealing with the 16th, because that's -- we're
22 going to hold it to the letter of the law.

23 Okay?

24 So, you had once said 14th and, you
25 know, --

1 MAYOR STACK: Can you give it to him by
2 Friday?

3 MR. GONZALEZ: I'm sure.

4 MAYOR STACK: Yeah.

5 MR. FARMER: Okay, good.

6 MAYOR STACK: By Friday.

7 MR. FARMER: Fine.

8 Thank you.

9 MAYOR STACK: Lucio, -- Commissioner, --

10 COMMISSIONER FERNANDEZ: Yeah, --

11 MAYOR STACK: -- did you have something?

12 COMMISSIONER FERNANDEZ: Yeah, Mr.

13 Gonzalez, can we ask your client one question?

14 MR. GONZALEZ: I would prefer -- I would
15 prefer that we wait until I put my case on.

16 MAYOR STACK: Yeah.

17 COMMISSIONER FERNANDEZ: Okay.

18 MAYOR STACK: Yeah.

19 To give him the opportunity.

20 All right, so this -- this will be
21 adjourned until the next meeting.

22 MS. VANEK: And you can entertain a motion
23 to adjourn this hearing to April 1st.

24 MR. FARMER: Ray, you're going to show me
25 the 15th, right?

1 MAYOR STACK: I'll make a motion to adjourn
2 this hearing --

3 COMMISSIONER VALDIVIA: Second.

4 ACTING CITY CLERK: Commissioner Valdivia.

5 MAYOR STACK: -- on this specific hearing
6 until April 1st at the Early Childhood Center.

7 COMMISSIONER RIVAS: I'll second.

8 ACTING CITY CLERK: Roll call.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 ACTING CITY CLERK: Commissioner Rivas?

12 COMMISSIONER RIVAS: 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 * * *

21

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1 MAYOR STACK: We have another hearing,
2 right?

3 ACTING CITY CLERK: There's one more;
4 right?

5 MAYOR STACK: Yeah.

6 Let me just take one minute just to make a
7 quick personal call. Be right there.

8 COMMISSIONER FERNANDEZ: If we can go off
9 the record please?

10 ACTING CITY CLERK: We will recess for five
11 minutes.

12
13 (Whereupon, the Board recessed from 8:16
14 p.m. to 8:19 p.m.)

15
16 ACTING CITY CLERK: Okay.

17 MR. FARMER: The last one's that on the
18 calendar, --

19 MAYOR STACK: I think we just have to go
20 back on the record; right?

21 Dominick, are we back on?

22 ACTING CITY CLERK: We ready?

23 COMMISSIONER MARTINETTI: Back on.

24 ACTING CITY CLERK: Commissioner?

25 Are we ready?

1 COMMISSIONER VALDIVIA: Yeah.

2 COMMISSIONER RIVAS: We're ready.

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1 LA BERRAQUERA, INC. t/a LA BERRAQUERA, 721 32nd

2 Street:

3

4 MR. FARMER: The only other one that we
5 have is La Berraquera.

6 This -- while we're waiting for Mario
7 Blanch, he hasn't arrived, I'd ask that it be
8 carried for two weeks.

9 MAYOR STACK: Who are we waiting for?

10 MR. FARMER: Mario Blanch, their lawyer.

11 MAYOR STACK: Okay.

12 He didn't call?

13 MR. FARMER: He didn't --

14 MS. VILLON: They confirmed with him today.
15 They did confirm with the office today.

16 MR. FARMER: Also, quite frankly, we're
17 locating a witness, so we probably need time
18 anyway.

19 MAYOR STACK: All right.

20 So, let's just make certain that he's at
21 the next meeting.

22 MR. FARMER: Yes.

23 MAYOR STACK: All right?

24 MR. FARMER: I will point --

25 MAYOR STACK: Just have him at the next

1 meeting.

2 MR. FARMER: I will point out that we're
3 going to proceed.

4 MAYOR STACK: April 1st at 7 p.m. at 2200
5 Kennedy Boulevard.

6 ACTING CITY CLERK: That's right. Early
7 Childhood Education Center.

8 MR. FARMER: Right.

9 Okay? Have him call me.

10 A VOICE: Thank you.

11 MR. FARMER: Okay.

12 A VOICE: Thank you.

13 MAYOR STACK: Thank you.

14 * * *

15

16 **ADJOURNMENT**

17

18 ACTING CITY CLERK: Mayor, there are no
19 further matters before the Board.

20 Is there a motion to adjourn?

21 COMMISSIONER MARTINETTI: Motion.

22 ACTING CITY CLERK: Motion made by
23 Commissioner --

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: -- Martinetti.

1 COMMISSIONER MARTINETTI: Martinetti.

2 ACTING CITY CLERK: Second by Commissioner
3 Valdivia.

4 All in favor?

5

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

7

8 ACTING CITY CLERK: Have a good night,
9 guys.

10

11 (Whereupon, the proceedings were concluded
12 at 8:20 p.m.)

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

6 **Board of Commissioners**

7

8 **Attest:**

9 **Dominick Cantatore,**

10 **Acting City Clerk**

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Tuesday, March 18, 2014, and digitally
10 recorded.

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