

SPECIAL MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

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I N D E X

Manhattan Bar & Grill Restaurant

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1 ACTING CITY CLERK: This is a Special
2 Meeting of the Union City Board of Commissioners,
3 being held on Thursday, July 17, 2014, at 6:30
4 p.m., at the William V. Musto Cultural Center,
5 420 15th Street, Union City, New Jersey.

6 Everybody please rise for the Pledge of
7 Allegiance.

8
9 (Whereupon, the Pledge of Allegiance was
10 said.)

11
12 ACTING CITY CLERK: This meeting has been
13 called in accordance with Chapter 231, Public Law
14 of 1975, the Open Public Meeting Act. Adequate
15 notice of this meeting has been provided as
16 follows:

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

24

25 **ROLL CALL:**

1

2

ACTING CITY CLERK: Roll call.

3

Commissioner Fernandez?

4

COMMISSIONER FERNANDEZ: Here.

5

ACTING CITY CLERK: Commissioner Rivas?

6

7

MAYOR STACK: He should be here; he should
be here in about ten minutes.

8

ACTING CITY CLERK: About ten minutes?

9

Okay.

10

Commissioner Martinetti?

11

COMMISSIONER MARTINETTI: Here.

12

ACTING CITY CLERK: Commissioner Valdivia?

13

COMMISSIONER VALDIVIA: Here.

14

ACTING CITY CLERK: Mayor Stack?

15

MAYOR STACK: Here.

16

17

CONSENT AGENDA:

18

19

1. Resolution Authorizing the Award of a

20

Contract to Javier Construction Corp. for

21

Ellsworth Park Landscape Improvements Phase II

22

23

ACTING CITY CLERK: First item -- we have

24

one item on the Consent Agenda tonight.

25

It's a Resolution Authorizing the Award of

1 a Contract to Javier Construction Corporation for
2 Ells (sic) Park Landscaping (sic) Improvement
3 Phase II program.

4 Is there a motion to approve?

5 MAYOR STACK: Yes. Just before we approve
6 the motion, I just want to thank the
7 Commissioners, specifically Commissioner
8 Valdivia, for his work on -- to improve the
9 parks.

10 This park, Ellsworth Park, on 23rd/24th/New
11 York Avenue/Palisade, is being greatly enhanced
12 with plantings and flowers and new trees. And
13 the walkways are being redone. So it's really
14 nice.

15 And Commissioner Fernandez also holds
16 public events here, concerts in the summertime.

17 So the park looks nice already. We're just
18 doing a little a bit further work in grants that
19 we were able to secure to make the park even
20 nicer.

21 So, I'll move the Resolution.

22 COMMISSIONER FERNANDEZ: Second.

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

25 Second by Commissioner Fernandez.

1 Roll call.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 ACTING CITY CLERK: Commissioner Rivas will
5 be here shortly.

6 Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 ACTING CITY CLERK: Commissioner
9 Martinetti?

10 COMMISSIONER MARTINETTI: Yes.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13

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

15

16 ACTING CITY CLERK: Would you like --
17 Mayor, would you like to take public comment on
18 the item 1 on the Consent Agenda?

19 MAYOR STACK: Anyone wishing to comment on
20 the matter that we just spoke about in reference
21 to the improvements to Ellsworth Park, please
22 step forward, state your name and address for the
23 record.

24 Seeing none on that matter.

25 ACTING CITY CLERK: Is there a motion to

1 close public comment portion?

2 MAYOR STACK: Motion on that item, --

3 COMMISSIONER FERNANDEZ: Second.

4 MAYOR STACK: -- yes.

5 ACTING CITY CLERK: Motion by Mayor Stack.

6 Second by Commissioner Fernandez.

7 Roll call.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 ACTING CITY CLERK: Commissioner Rivas will
11 be here shortly.

12 Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 ACTING CITY CLERK: Commissioner
15 Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 ACTING CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19 * * *

20

21

22

23

24

25

1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. Manhattan Bar & Grill Restaurant, 1711
4 Manhattan Avenue, Liquor License Number
5 0910-33-188-004

6 2. Any other matter of City business that may
7 arise

8

9 ACTING CITY CLERK: Next item is a Liquor
10 License Disciplinary Proceedings.

11 Mr. Farmer?

12 MR. FARMER: Yes.

13

14 (Whereupon, Commissioner Rivas arrived at
15 6:37 p.m.)

16

17 MAYOR STACK: Just let the record reflect
18 that Commissioner Rivas has just joined the
19 meeting.

20 COMMISSIONER RIVAS: How you doing?

21 MAYOR STACK: Thank you.

22 ACTING CITY CLERK: Commissioner Rivas.

23 MAYOR STACK: We just started about 30
24 seconds ago.

25

* * *

1 **MANHATTAN BAR & GRILL RESTAURANT,**
2 **1711 Manhattan Avenue,**
3 **Liquor License Number 0910-33-188-004:**

4
5 MAYOR STACK: Okay.

6 MR. FARMER: Okay, good evening.

7 MAYOR STACK: Just for the public's
8 edification, the way it's going to work is Mr.
9 Farmer will present on this matter. We're here
10 on the hearing -- on a liquor hearing of
11 Manhattan Bar and Grill Restaurant, located at
12 1711 Manhattan Avenue.

13 Mr. Farmer is the Alcoholic Beverage
14 Control Prosecutor. He'll present his case.
15 Then we'll hear from the licensee or their
16 representative or their attorney. And then we'll
17 open it up to any public comment that anyone
18 would like to make.

19 Thank you everyone for being here.

20 ACTING CITY CLERK: So, again, this is
21 Manhattan Bar and Grill Restaurant, 1711
22 Manhattan Avenue, Liquor License number 0910-33-
23 188-004.

24 MR. FARMER: Yes.

25 ACTING CITY CLERK: Mr. Farmer?

1 MR. FARMER: Yes.

2 Good evening, Mayor and the Board.

3 I just received a letter that was handed to
4 me by this young lady --

5 MS. LAZO: Armida Lazo.

6 MR. FARMER: Armida Lazo, L-A-Z-O. Right?

7 And it is --

8 I'd like to read it into the record. It's
9 a letter from Fernando Jiminez, dated July 16,
10 handed to me, like I said, five minutes ago.

11 And it says, Dear Mr. Farmer. Please be
12 advised that I now represent the Manhattan Bar
13 and Grill Restaurant concerning the above-
14 captioned matter.

15 My client is scheduled to appear before the
16 ABC Board on July 17th, 2014. I will not be
17 available on the 17th due to a previous
18 commitment. However, my client will be present
19 at the meeting. Kindly reschedule the matter for
20 the next meeting date so that I can appear with
21 my client.

22 Also, having read the letter from the State
23 ABC Board, I am aware that a plea must be entered
24 within 30 days; however, I would like the
25 opportunity to review a copy of the, quote,

1 report of investigation, closed quote.

2 I request that if a plea must be entered at
3 this juncture, a plea of not guilty be entered on
4 behalf of the licensee.

5 Thank you in advance for your assistance
6 and cooperation.

7 Cc'd --

8 It's signed by Fernando Jiminez.

9 And it's cc'd to Ramon Gonzalez and Alyssa
10 Bloom, Deputy Attorney General.

11 MAYOR STACK: So that letter was just given
12 to you moments ago?

13 MR. FARMER: Yeah. This --

14 MAYOR STACK: And when is the letter dated?

15 MR. FARMER: It's dated July 16th.

16 MAYOR STACK: July 16th.

17 And you received no -- no correspondence
18 from Mr. Jimenez --

19 MR. FARMER: No.

20 MAYOR STACK: -- prior to this hearing --

21 MR. FARMER: No, this is it.

22 MAYOR STACK: -- tonight?

23 MR. FARMER: This is it.

24 MAYOR STACK: Mr. Farmer, I think that's --
25 that's highly inappropriate for an attorney to

1 submit a letter at a meeting and not --

2 With technology that we have today, not to
3 email you, not to send you any notice to your
4 office, not to fax it to you, is very, very
5 unfair. Not only to all of us on the Board of
6 Commissioners but, more importantly, to the
7 residents who live in the area who are attending
8 this meeting tonight. I think it's unfair.

9 How much notice did the licensee have prior
10 to this hearing this evening?

11 MR. FARMER: Probably a week, ten days.

12 MAYOR STACK: A week to ten days.

13 We're going to proceed with the hearing.

14 MR. FARMER: If I might, as you probably
15 are aware, the -- and that's in your packet, the
16 Department of Law and Public Safety, Division of
17 Alcoholic Beverage Control, has filed charges
18 against the licensee with respect to --

19 MAYOR STACK: Just if you could keep your
20 voice up, Mr. Farmer.

21 MR. FARMER: Yes.

22 -- with respect to eight charges.

23 Most of them are what we would call paper
24 violations, not having available the employee
25 list or not having the license -- the last

1 license that was issued on the premises, along
2 with books and things like that.

3 Now it also appears that there is some kind
4 of discrepancy with respect to who owns the
5 place. Because Armida Lazo --

6 Did I say your name correctly?

7 MS. LAZO: Armida.

8 MR. FARMER: Armida Lazo is charged with
9 being a person who is not on the license
10 application.

11 Now Miss Lazo has appeared in court --

12 Let me just back up and give a context
13 here.

14 We're here for the purpose of making a
15 decision as to whether or not to renew this
16 license. And the reason we're here on this issue
17 is because over the past few months we have
18 received a number of noise complaints from the
19 establishment.

20 Accordingly what we did was we mailed out
21 letters to all of the people within a 200 block
22 (sic) radius -- 200 foot radius of the licensed
23 premises, as well as disseminating among the
24 neighborhood a notice that said notice of hearing
25 for liquor license renewal for Manhattan Bar and

1 Grill Restaurant located at 1711 Manhattan
2 Avenue, Union City, New Jersey.

3 To, all property owners within 200 feet of
4 Manhattan Bar and Grill Restaurant located at 711
5 (sic) Manhattan Avenue, re: Manhattan Bar and
6 Grill Restaurant.

7 Please be advised that the City of Union
8 City, Alcohol Beverage Control Board, is
9 considering the renewal of liquor license number
10 0910-33-188-004, issued to Manhattan Bar and
11 Grill, located at 1711 Manhattan Avenue, Union
12 City.

13 (Whereupon, Corporation Counsel Kara
14 Kaczynski, Esq. arrived at 6:43 p.m.)

15 The hearing regarding the renewal of the
16 above license will take place on July 17, 2014,
17 at 6:30 p.m. at the Musto Center, 420 15th Street.

18 Anyone interested in advising the Board of
19 their opinion as to whether or not this license
20 should be renewed, should attend the meeting
21 which is scheduled for July 17th at 6:30 at the
22 Musto Center.

23 This was dated July 1st.

24 So that's what we're here for to really
25 hear public comment from the neighbors as to what

1 | they want to tell this Board who has the
2 | discretion about renewing liquor licenses or
3 | putting conditions on liquor licenses.

4 | And as we have now found out from the
5 | State, there seems to be an issue as to the
6 | ownership.

7 | Miss Lazo does not appear to on the license
8 | application of ownership but, has acted on behalf
9 | of the bar on numerous occasions not only with
10 | this Board in presenting this letter, she's
11 | appeared in the past. And also has appeared in
12 | the municipal court with respect to summonses
13 | that were filed against Manhattan Bar and Grill
14 | for loud music and noise. And both of those
15 | times, whenever there has been -- there's been
16 | two or three municipal court complaints, they've
17 | always come in and pleaded guilty to loud noise.

18 | So that's really it. This is not really an
19 | adversarial proceeding; it's more of input from
20 | the community as to what they feel should be the
21 | future of this bar and grill.

22 | MAYOR STACK: But the licensee has an
23 | opportunity to respond.

24 | Correct?

25 | MR. FARMER: Absolutely.

1 MAYOR STACK: Does any -- does the license
2 or anyone on behalf or -- the licensee or maybe a
3 representative of theirs want to comment on
4 anything on what Mr. Farmer has said so far?

5 Is the licensee here?

6 Justin, you want to come up and translate?

7 Justin, you want to come up and translate?

8 Is the license --

9 (Whereupon, Mr. Mercado translated from
10 English to Spanish and from Spanish to English.)

11 COMMISSIONER FERNANDEZ: Justin?

12 MAYOR STACK: And you're going to enter
13 your --

14 MR. DILLON: Your name?

15 MAYOR STACK: -- name -- your name for the
16 record.

17 MR. DILLON: Your name?

18 MR. MERCADO: Justin Mercado, 1003
19 Bergenline Avenue, Union City. M-E-R-C-A-D-O;
20 last name.

21 MAYOR STACK: And you're serving as the
22 translator, Mr. Mercado?

23 MR. MERCADO: Yes.

24 MAYOR STACK: Okay.

25 Is there -- is there anyone here at this

1 time from the licensee? The owner of Manhattan
2 Bar and Grill Restaurant located at 1711
3 Manhattan Avenue, Liquor License number 0910-33-
4 188-004, who'd like to comment at this time?

5 (Whereupon, Mr. Mercado translated Mayor
6 Stack's comments into Spanish.)

7 MAYOR STACK: If you would, if you could
8 please step forward and just speak as close --

9 Right now we'd like to hear from the
10 licensee and then we'll open up the hearing.

11 Okay, if you could, if you could just stand
12 close to here?

13 If you could just state your name.

14 MR. DILLON: State your name.

15 MS. LAZO: Armida Lazo.

16 MAYOR STACK: Okay. And --

17 MR. DILLON: Can you spell --

18 MAYOR STACK: -- your address?

19 MR. DILLON: Can you spell that for me?

20 I'm sorry.

21 MAYOR STACK: I'm sorry.

22 MS. LAZO: Okay, A-R-M-I-D-A, L-A-Z-O.

23 MAYOR STACK: And your address please?

24 Your address?

25 MS. LAZO: My address is 915 85th

1 Street, --

2 MAYOR STACK: Okay.

3 MS. LAZO: -- North Bergen, New Jersey
4 07047.

5 MAYOR STACK: Okay.

6 Are you connected to the licensee of the
7 establishment, ma'am?

8 MS. LAZO: Yes. I'm in the process to buy
9 the liquor license.

10 MAYOR STACK: But you don't own the license
11 right now?

12 MS. LAZO: No.

13 MAYOR STACK: Okay.

14 Is there anybody here that actually owns
15 the license, Manhattan Bar and Grill Restaurant?

16 (Whereupon, Mr. Mercado translated Mayor
17 Stack's comments into Spanish.)

18 MAYOR STACK: Okay?

19 Okay, you could proceed.

20 Is there anything that you wanted to tell
21 us or --

22 MS. LAZO: I don't know what is the problem
23 about, you know, the -- the noise complaint. I
24 just -- you know I just heard like one guy he was
25 living in -- in the basement and he's -- you

1 know, he's the one have a problem with the owner
2 of the building. That doesn't have nothing to do
3 with me.

4 I'm a -- you know I'm a single woman with
5 three kids, hard-working. I don't have no
6 problems with nobody. The people they go over
7 there just to -- you know, it's a family
8 business. It's not like regular bars.

9 MAYOR STACK: Okay.

10 Do you work there now?

11 MS. LAZO: Yes.

12 MAYOR STACK: Okay, you work at the
13 establishment?

14 MS. LAZO: Yes.

15 MAYOR STACK: But you don't own the
16 establishment now?

17 MS. LAZO: No I don't.

18 MAYOR STACK: Okay.

19 MS. LAZO: It's only, you know, trying to
20 buy the liquor license.

21 MAYOR STACK: What do you do now at the
22 establishment? What do you do there?

23 What type of -- you're an employee but in
24 what way?

25 MS. LAZO: You know, doing bartender, serve

1 food, cook, wash dishes, anything.

2 MAYOR STACK: Okay.

3 How long have you been working there?

4 MS. LAZO: Over there? Like two years.

5 MAYOR STACK: Do you have a liquor license?

6 Do you have a license --

7 MS. LAZO: I have a license.

8 MAYOR STACK: You do. Okay.

9 Mr. Farmer, did you want to --

10 MR. FARMER: Just --

11 MAYOR STACK -- ask a question?

12 MR. FARMER: Just two questions, Miss Lazo.

13 MAYOR STACK: Just if you could proceed
14 slowly so if --

15 MR. FARMER: Sure.

16 MAYOR STACK: Ms. Lazo? At any point, if
17 you don't understand Mr. Farmer or any of the
18 proceedings, Justin can translate; it's not a
19 problem.

20 MS. LAZO: Okay.

21 MAYOR STACK: If you feel more comfortable
22 doing it in Spanish, we could do it in Spanish.

23 MS. LAZO: Okay.

24 MAYOR STACK: Sure.

25 MR. FARMER: Who is the owner of the liquor

1 license?

2 MS. LAZO: Is Luis Villa (phonetic).

3 MR. FARMER: Okay.

4 And why is he not here?

5 MS. LAZO: I don't have -- I don't know.

6 MR. FARMER: Well, when you got the notice
7 to appear, did you call him?

8 MS. LAZO: I didn't talk to him but, you
9 know, but I think he knew.

10 MR. FARMER: Where does he live?

11 (Whereupon, Ms. Lazo spoke Spanish to Mr.
12 Roberto Rodriguez.)

13 MR. RODRIGUEZ: He -- he's in Florida right
14 now but --

15 MAYOR STACK: Okay, we need --

16 MR. RODRIGUEZ: -- he live here in New
17 Jersey.

18 MAYOR STACK: But if this gentleman's going
19 to testify, we need to bring him up.

20 Just so that -- just so that you're on --

21 MS. LAZO: He is the owner of the
22 building --

23 MAYOR STACK: Okay.

24 MS. LAZO: -- where I rent --

25 MAYOR STACK: Okay.

1 Just if you could state your name for the
2 record?

3 MR. RODRIGUEZ: Roberto Rodriguez.

4 MAYOR STACK: Okay, Roberto.

5 Roberto, --

6 MR. DILLON: What was your last name?

7 MR. RODRIGUEZ: Rodriguez.

8 MAYOR STACK: Roberto Rodriguez.

9 Roberto, your address for the record?

10 MR. RODRIGUEZ: 163 62nd Street, West New
11 York.

12 MAYOR STACK: Okay.

13 And your role with the business?

14 Do you have any -- any role with the
15 business? Are you part of the business? Or --

16 MR. RODRIGUEZ: No, I am the owner there of
17 the building.

18 MAYOR STACK: You own the building?

19 MR. RODRIGUEZ: Yeah.

20 MAYOR STACK: But do you operate the
21 business?

22 MR. RODRIGUEZ: No, not operate.

23 MAYOR STACK: No.

24 MR. RODRIGUEZ: She's had the business --
25 she have everything; business administration, the

1 manager administration, and power attorney for
2 Luis Villa. Because he come -- (Spanish was
3 spoken).

4 MR. MERCADO for MR. RODRIGUEZ: I mean he's
5 saying that Miss Lazo she's like type of a
6 manager and she has a power of attorney to run
7 the business at this time. She works as a --
8 like part of the ownership.

9 MAYOR STACK: The person who rents from
10 you, the business, Manhattan Bar and Grill, who
11 is that person?

12 MR. RODRIGUEZ: Luis Villa.

13 MR. MERCADO for MR. RODRIGUEZ: Luis.

14 MAYOR STACK: And where is Mr. Rodriguez
15 (sic) now?

16 Do you have any idea or you don't know?

17 MR. MERCADO for MR. RODRIGUEZ: He's in
18 Florida. He's on vacation.

19 MAYOR STACK: He's in Florida.

20 MR. MERCADO for MR. RODRIGUEZ: But Mr.
21 Luis -- but Mr. Luis give her the power of
22 attorney for her to run the business; that's like
23 she pay rent to him.

24 MAYOR STACK: And she has a signed power of
25 attorney with her?

1 MR. FARMER: Do you have that?

2 Do you have that?

3 MR. MERCADO for MS. LAZO: She does have it
4 but she doesn't have it here.

5 MAYOR STACK: Okay but --

6 MR. FARMER: How long has that been going
7 on?

8 How long has Mr. Rodriguez (sic) been
9 living in Florida?

10 MR. RODRIGUEZ: He's not Rodriguez.

11 MR. FARMER: Okay.

12 COMMISSIONER MARTINETTI: Mr. Villa.

13 COMMISSIONER VALDIVIA: Villa. Villa. He's
14 Rodriguez.

15 MR. FARMER: Villa. I'm sorry, you're Mr.
16 Rodriguez.

17 I apologize.

18 Mr. Villa. How long has he been in
19 Florida?

20 MR. RODRIGUEZ: No, he's living here.

21 MR. FARMER: He's living here?

22 MS. KACZYNSKI: He's on vacation.

23 MR. FARMER: Okay.

24 And when, to your recollection, did he give
25 the power of attorney to --

1 MAYOR STACK: Justin, you have to translate
2 this.

3 MR. FARMER: -- this woman to run the
4 restaurant?

5 MR. MERCADO for MR. RODRIGUEZ: It's about
6 two and a half years.

7 MR. FARMER: All right, so let me get this
8 straight. The owner of the bar and restaurant,
9 two and a half years ago, gave a power of
10 attorney to this young lady to run his business.

11 Correct?

12 MR. RODRIGUEZ: Yes.

13 MR. FARMER: Now, in the past 30 months,
14 two and a half years, did you ever fill out an
15 application or go to the ABC Board and say Mr.
16 Villa isn't running the restaurant anymore --

17 MAYOR STACK: No, Mr. -- no, Mr. Villa is
18 here. Mr. Rodriguez --

19 COMMISSIONER MARTINETTI: No, no, no.

20 MAYOR STACK: -- you mean.

21 MS. KACZYNSKI: No.

22 MAYOR STACK: No?

23 MS. KACZYNSKI: Mr. Villa's here.

24 COMMISSIONER FERNANDEZ: Mr. Villa --

25 MR. FARMER: That's Rodriguez.

1 ACTING CITY CLERK: Rodriguez.

2 MR. FARMER: This gentleman is Mr.
3 Rodriguez.

4 MAYOR STACK: Okay, I'm sorry. I'm sorry.
5 I apologize.

6 I just confused with the names. I'm sorry.
7 I'm sorry.

8 MR. MERCADO for MS. LAZO: I went to fill
9 out an application to -- to get a fingerprint and
10 to start the process of purchasing the license.

11 MR. FARMER: When?

12 MR. MERCADO for MS. LAZO: It's around --
13 it's around eight month that she start the
14 process. But in the process she's been hearing a
15 lot of complaints from a tenant that used to live
16 in the building and that's when she started like
17 having a different --

18 When she start the process of purchasing
19 the license, there's a lot of complaints been
20 going on by an individual that used to live in
21 the building. Now that the person's no longer
22 living in the place -- in the premises, right now
23 they haven't have any type of a problem or
24 complaint since that time. And then she -- she
25 wanted to continue doing the process of

1 purchasing the liquor license.

2 MR. FARMER: But let's get back to the
3 issue.

4 Do I understand you that for the last
5 couple of years you've been running this business
6 on behalf of Mr. Villa?

7 MR. MERCADO for MS. LAZO: Yes.

8 MR. FARMER: And you know, because you've
9 made an application to have it in your name.

10 Right?

11 Why'd you do that?

12 MR. MERCADO for MS. LAZO: The reason I did
13 that is 'cause I'm in the process of purchasing
14 the liquor license and the attorney that is
15 working on the purchase of the liquor license is
16 Luis Diaz.

17 MR. FARMER: But you don't own the liquor
18 license and you're running a bar without being
19 the owner of the liquor license.

20 Right?

21 MR. MERCADO for MS. LAZO: At the beginning
22 I started as a manager. And then after that he
23 approach to me if -- if I was interested to
24 purchase the building -- the business.

25 MR. FARMER: How long ago was that?

1 MR. MERCADO FOR MS. LAZO: Like a year ago.

2 MR. FARMER: All right.

3 So for the past year you've been running
4 this --

5 Strike that.

6 Are you experienced in the bar business?

7 MS. LAZO: No.

8 MR. FARMER: Okay.

9 But you know in order to run a liquor
10 establishment you have to have a license; just
11 like driving a car.

12 MR. MERCADO for MS. LAZO: She's saying I
13 have a license, but to work.

14 MR. FARMER: You have a bar card.

15 MS. LAZO: Yes.

16 MR. FARMER: That lets you work in the
17 license.

18 MAYOR STACK: She said that though. She
19 said that.

20 MR. FARMER: Yes. Yes.

21 MAYOR STACK: That's what she said.

22 MR. FARMER: But you don't have permission
23 to own a bar and conduct a bar/restaurant; you
24 don't have a license to do that, do you?

25 MR. MERCADO for MR. RODRIGUEZ/MS. LAZO:

1 According to -- according to them she has a --
2 the -- with the power of attorney, they also gave
3 them some other paperwork that allow her to run
4 the business.

5 MAYOR STACK: I'm going to tell you
6 something. In my years of being the Mayor, I've
7 never ever experienced that you can grant power
8 of attorney and transfer a liquor license that
9 way. You have to do it legally by coming before
10 the Board of Commissioners and seeking a transfer
11 and going through the New Jersey -- the New
12 Jersey Alcoholic Beverage Control and getting
13 approval.

14 There's a process that has to be followed,
15 regardless of a power of attorney that's been
16 signed.

17 You want to translate what I just said?

18 Let -- just --

19 I've never seen that before.

20 MR. MERCADO for MR. RODRIGUEZ: What he's
21 saying is the -- the power of attorney that she
22 receive is for her to be working with him in
23 connection and also to represent -- like if you
24 come to the -- to any organization like the ABC
25 Board, she'll come and represent him as a -- as

1 the power of attorney for the --

2 MAYOR STACK: Okay.

3 How much rent does she pay the owner to
4 operate the business?

5 MR. RODRIGUEZ: Me?

6 MAYOR STACK: No, no, no, no. No. How
7 much does she pay?

8 How much does she send the owner in Florida
9 to operate the business?

10 MR. RODRIGUEZ: (Spanish was spoken.)

11 MAYOR STACK: Okay.

12 MR. RODRIGUEZ: (Spanish was spoken.)

13 MAYOR STACK: Okay but I'd like -- I'd like
14 her --

15 I'm asking her a question. I want her to
16 testify.

17 MR. RODRIGUEZ: Okay.

18 MAYOR STACK: How much -- how much are you
19 making in payments to the owner while he's in
20 Florida to operate the business?

21 MR. MERCADO for MS. LAZO: Thirteen hundred
22 dollars.

23 MAYOR STACK: Thirteen hundred dollars.

24 A week? A week? A month? Or --

25 MS. LAZO: Okay, it's a rent. (Spanish was

1 spoken.)

2 Okay, that's the rent.

3 MR. MERCADO for MS. LAZO: I pay \$1300.00
4 of rent and plus that's -- \$1300.00 to him but he
5 -- she paying to the other gentleman, which is
6 the owner of the business like about \$1,166.00 --

7 COMMISSIONER MARTINETTI: Six hundred and
8 fifty.

9 MR. MERCADO for MS. LAZO: -- to purchase
10 the license. But the problem is they haven't
11 start the process but she start paying him in
12 advance.

13 MAYOR STACK: So, let me just get this
14 straight. So -- just so I have this correctly.
15 All right?

16 Right now she's paying him to use his
17 license so she can operate the business?

18 That's -- it's a pretty simple question.

19 Sir? Sir, I'm asking --

20 Sir? Sir, do me a favor? Sir, do me a
21 favor?

22 MR. RODRIGUEZ: Yes.

23 MAYOR STACK: Have a seat and I'm going to
24 bring you back up.

25 MR. RODRIGUEZ: Yes.

1 Okay.

2 MAYOR STACK: You can have a seat. You can
3 have a seat.

4 MR. MERCADO for MS. LAZO: It is like if
5 you're paying a payment of a car.

6 What she means by this is she's paying him
7 in a monthly pay. There's a lump sum; she pay
8 monthly and then she finish to pay the liquor
9 license.

10 COMMISSIONER FERNANDEZ: So just to make it
11 clear, you're paying rent to this man and you're
12 also paying to -- Mr. Villa, you're paying him
13 for the cost of the license, to acquire the
14 license?

15 MR. MERCADO for MS. LAZO: Yes.

16 MAYOR STACK: Okay.

17 Greg, you have anything?

18 MR. FARMER: Well, what is --

19 MAYOR STACK: You want to translate what
20 she just said -- what she just testified to?

21 MR. MERCADO for MS. LAZO: What she
22 testified is that she is paying a rent to the
23 gentleman right here, \$1300.00; and also paying
24 \$1,666.00 to the owner of the place as a
25 purchasing, like paying a lump sum payment to

1 purchase the place.

2 MR. FARMER: Okay. I think we got it; you
3 can't do that though.

4 MAYOR STACK: Right. I got it.

5 Do you have any other questions, Greg?

6 MR. FARMER: I have no other --

7 MAYOR STACK: Would she like any additional
8 statement to make to us?

9 The thing I want her to understand is that
10 right now -- right now she doesn't own this
11 license. So for him to send her on his behalf is
12 not proper and it's not the legal way to do
13 things.

14 (Whereupon, Mr. Mercado translated Mayor
15 Stack's comments into Spanish.)

16 MAYOR STACK: And he received a notice
17 telling him that we were having this hearing
18 tonight. He never contacted Mr. Farmer; never
19 sent any letter to the Commissioners and myself
20 saying that he wanted to postpone the hearing.

21 A letter is given to another person tonight
22 -- I'm not sure her role with the business but
23 given to her to drop off, which is not something
24 you see usually attorneys do.

25 In the day of technology that we have, they

1 | send a fax, they'll send an email; they'll send
2 | something requesting a postponement, which we
3 | normally would go along with but not the moment
4 | of the hearing.

5 | (Whereupon, Mr. Mercado translated Mayor
6 | Stack's comments into Spanish.)

7 | MAYOR STACK: And, honestly, -- honestly,
8 | the owners put her --

9 | Not the owner of the building; not this
10 | gentleman, no.

11 | The owner of the business has put her in a
12 | very bad spot here.

13 | MR. MERCADO for MS. LAZO: That's why I was
14 | very in doubt of that to get into the business
15 | because there's always something going on
16 | with him.

17 | MAYOR STACK: What she needs to do going
18 | forward, just for her own protection, is if she's
19 | going to buy a liquor establishment, they've got
20 | to go through all the process of going through
21 | filling out a license application, coming in and
22 | doing all that.

23 | Whether it's in Union City or another
24 | location, she needs to do that and have an
25 | attorney assist her with that.

1 (Whereupon, Mr. Mercado translated Mayor
2 Stack's comments into Spanish.)

3 MR. FARMER: Just let me ask you two last
4 questions.

5 All of the paperwork you talk about, the
6 power of attorney, the money you're paying him or
7 any of that, do you have any of that paperwork
8 with you?

9 MAYOR STACK: No, I think she answered that
10 before.

11 MR. FARMER: Okay.

12 MAYOR STACK: She answered that before.

13 MR. MERCADO for MS. LAZO: But she has it
14 but she doesn't have it with her.

15 MR. FARMER: Let me -- do you have a
16 driver's license?

17 MR. MERCADO for MS. LAZO: Yes.

18 MR. FARMER: What if I came to you and I
19 said, listen, I don't have a driver's license but
20 you have one. How about I rent your driver's
21 license?

22 Do you think we could do that?

23 MS. LAZO: No.

24 MR. FARMER: Okay.

25 MAYOR STACK: You understood?

1 Can you just translate that to make sure?

2 MR. MERCADO for MS. LAZO: She understood.

3 MAYOR STACK: Okay.

4 MR. MERCADO for MS. LAZO: She would like
5 to know what's gonna happen right now?

6 MAYOR STACK: Well, we're not sure.

7 I mean we'll hear additional testimony and
8 then we'll make a decision, either at the end of
9 this meeting or we'll reserve a decision.

10 If anyone else wants to testify?

11 (Whereupon, Mr. Mercado translated Mayor
12 Stack's comments into Spanish.)

13 MS. LAZO: Okay.

14 MAYOR STACK: She's welcome to stay though.
15 She's welcome to stay though.

16 Sure.

17 MR. MERCADO for MS. LAZO: I have an
18 attorney that had sent an email to you yesterday.
19 And he gave me the letter today.

20 MR. FARMER: Okay. I didn't see it.

21 MAYOR STACK: Did you get an email from --

22 MR. FARMER: I didn't see it, no.

23 MAYOR STACK: Okay.

24 MS. LAZO: No? Okay.

25 MAYOR STACK: We have the letter here this

1 evening.

2 MS. LAZO: Okay.

3 MAYOR STACK: Thank you very much.

4 MR. MERCADO: Okay.

5 MAYOR STACK: Would he like -- would you
6 like to add anything additional or --

7 MR. RODRIGUEZ: No.

8 MR. MERCADO for MR. RODRIGUEZ: No.

9 MAYOR STACK: Okay.

10 Anyone else that would wish to testify on
11 behalf of this situation tonight, either for or
12 against Manhattan Bar and Grill?

13 (Whereupon, Mr. Mercado translated Mayor
14 Stack's comments into Spanish.)

15 MAYOR STACK: Sure.

16 If you could please step forward; just
17 state your name and address for the record.

18 You could come right -- you could stand
19 right over here; it's probably easier.

20 MAYOR STACK: How you doing?

21 MS. PEREZ: My last name Perez, P-E-R-Z-E
22 (sic) (phonetic).

23 MR. MERCADO for MS. PEREZ: Perez, P-E-R-Z-
24 E (sic).

25 MS. PEREZ: My first name is C-O--

1 MR. DILLON: First name?

2 MS. PEREZ: C-O-R-I-D-A.

3 MR. MERCADO: Say that aloud please?

4 MS. PEREZ: I'm going to spell it to you;

5 C-O-R-I-D-A, P-E-R-E-Z, Perez.

6 MR. DILLON: Thank you.

7 MS. PEREZ: Okay, I'm the owner --

8 MAYOR STACK: Your address, Ms. Perez?

9 Just for the record. He needs it for the --

10 Your address?

11 MS. PEREZ: Okay. I have a business over

12 here on 201 16th Street. But I live in Jersey

13 City --

14 MAYOR STACK: That's fine. That's fine.

15 That's okay.

16 MS. PEREZ: Okay?

17 So I'm the person -- I'm the --

18 Can I say in Spanish? I'll feel more --

19 I'm gonna try and say in English.

20 MR. MERCADO: No, say it in Spanish and

21 I'll translate.

22 MAYOR STACK: What's ever easier for you.

23 Whatever you're more comfortable with.

24 MR. MERCADO for MS. PEREZ: I am one of the

25 person from the many of the people that are here

1 right now that besides that I have business in
2 here I'm one of the person who visited that
3 establishment. That establishment is more
4 restaurant than a bar and it's a family site,
5 which I have always been going to the
6 establishment and I have never seen any type of a
7 problem.

8 Armida is a person -- very hard-working
9 person. And it's around a year that she started
10 over there that I start meeting her.

11 She said she's a hard-working woman and we
12 have to take that in consideration. I know her
13 since she started to work like a year ago there.
14 And it's not a bar, it's more as a restaurant
15 like she say before. And also it's not the kind
16 of place, like many other place around here,
17 that's a really bad establishment.

18 And it's also is one of the places that in
19 that area there's nothing going on. And it's the
20 same people -- neighborhood from there they go
21 with their family to eat and watch sport on
22 televisions -- on television.

23 I'd just like to -- I'd just like all of
24 yous to keep in consideration that she's a hard-
25 working person and that she's in the process to

1 purchase the -- this business and she's running a
2 really good business.

3 And it's not the only business that she
4 has. She has another business in Guttenberg and
5 it's running without having any problem as well.

6 MS. PEREZ: So, thank you.

7 MR. MERCADO for MS. PEREZ: Thank you very
8 much.

9 MAYOR STACK: Let me -- have you ever met
10 the owner, the actual owner of this business?

11 MS. PEREZ: No.

12 MAYOR STACK: No.

13 MS. PEREZ: No.

14 MAYOR STACK: And how long have you gone to
15 the establishment?

16 MS. PEREZ: Like a long time ago. But I
17 went there like a year and a half.

18 MR. MERCADO for MS. PEREZ: Like a year and
19 a half she's been going --

20 MAYOR STACK: Okay.

21 MR. MERCADO for MS. PEREZ: -- to the
22 establishment.

23 MAYOR STACK: See this proceeding tonight
24 is not against --

25 Miss Lazo; right?

1 MS. PEREZ: Yes.

2 MAYOR STACK: It's not against Miss Lazo.

3 MS. PEREZ: Okay.

4 MAYOR STACK: It's really about the owner
5 of Manhattan Bar and Grill who's listed as the
6 owner.

7 MS. PEREZ: I heard --

8 MAYOR STACK: Okay?

9 MS. PEREZ: I heard something like --

10 MAYOR STACK: It really -- yeah, it's
11 really not against her.

12 MS. PEREZ: Yeah, yeah.

13 MAYOR STACK: It's against --

14 MS. PEREZ: No, no, no.

15 MAYOR STACK: -- the owner of the
16 establishment.

17 MS. PEREZ: Yeah, she pay -- she pay what
18 he -- she pay for what he does.

19 MAYOR STACK: Right.

20 MS. PEREZ: That's -- that's what I --
21 Right?

22 MR. MERCADO for MS. PEREZ: Yes, she asking
23 if she's gonna have to pay for the mistake of the
24 other person?

25 MAYOR STACK: See but this proceeding

1 | tonight is not about Miss Lazo. It's about the
2 | owner of the --

3 | MS. PEREZ: Okay. Okay.

4 | MAYOR STACK: Right.

5 | This has nothing to do with her.

6 | MS. PEREZ: Okay.

7 | COMMISSIONER FERNANDEZ: I have a question
8 | for you.

9 | You said that she runs another business in
10 | West New York. What type of business --

11 | MR. MERCADO: No, in Guttenberg.

12 | MS. PEREZ: No, no, no.

13 | MAYOR STACK: Guttenberg.

14 | MR. MERCADO: Guttenberg.

15 | MS. PEREZ: She have a restaurant.

16 | COMMISSIONER FERNANDEZ: She's got a
17 | restaurant over there?

18 | MS. PEREZ: Yes, over there.

19 | COMMISSIONER FERNANDEZ: Is it a
20 | bar/restaurant?

21 | MS. PEREZ: Not a bar.

22 | COMMISSIONER FERNANDEZ: Just restaurant.

23 | MS. PEREZ: Restaurant.

24 | MR. MERCADO: Restaurant.

25 | MS. PEREZ: What she's running is more

1 restaurant than bar. She now, you know, --

2 She try get into the business but it's more
3 restaurant than a bar because I'm been there and
4 you see kids go over there. You know, it's not
5 like a -- like regular people like that. Kids go
6 over there with the family. People from church
7 go over there too. And I go over other there.

8 And Mr. Brian, you know me, --

9 MAYOR STACK: Right.

10 MS. PEREZ: -- if I know -- if I didn't
11 even know her I don't stay here to talking about,
12 you know, --

13 MAYOR STACK: Right.

14 MS. PEREZ: -- how good she is.

15 But, anyway, thank you.

16 MAYOR STACK: Thank you very much. Thank
17 you for your testimony.

18 MS. PEREZ: Okay.

19 MAYOR STACK: Anyone --

20 Sure.

21 Just if you -- if you could just restate
22 your name for the record.

23 MR. MERCADO for MR. RODRIGUEZ: My name is
24 Roberto Rodriguez, 163 62nd Street.

25 My question is if it's a questionnaire (sic)

1 | about the owner of the business or the way he's
2 | conducting the business, what are we talking
3 | about?

4 | MR. FARMER: I think we're talking about --

5 | MAYOR STACK: Both.

6 | MR. FARMER: -- both.

7 | MAYOR STACK: Both.

8 | Both.

9 | MR. MERCADO for MR. RODRIGUEZ: But we're
10 | not --

11 | MAYOR STACK: In order to talk about the
12 | problems at the business, we need to talk about
13 | it with the actual guy who actually -- or the
14 | actual person who actually owns the business.

15 | MR. MERCADO for MR. RODRIGUEZ: I believe,
16 | as the owner of the property, I believe that
17 | they've been running a good business. They keep
18 | the place in good shape and it looks to me it's a
19 | good business.

20 | This is the way their business is being
21 | running. But now if you want to question the
22 | owner of the business, that's a different thing.
23 | 'Cause the business is running good. But the
24 | owner is a different story.

25 | She is just running the place, the

1 premises. And, again, she's also on the process
2 of purchasing the business. But in reality the
3 owner's the other person.

4 So that's what I need to know, you -- you
5 are questioning the owner or how the business is
6 being run?

7 MAYOR STACK: We'd like to question the
8 owner but he hasn't shown up.

9 MR. MERCADO for MR. RODRIGUEZ: Is -- it is
10 because the business is not running well or
11 because the owner has some type of a past
12 history?

13 MAYOR STACK: There's been a problem --

14 MR. FARMER: Mr. Rodriguez, the situation
15 is -- what we're here for is because there have
16 been numerous complaints filed with the Police
17 Department concerning noise from the neighbors.

18 And, indeed, those complaints have gone to
19 the municipal court where the representative of
20 the bar has come in and pleaded guilty and
21 admitted to loud noise.

22 So that's what we're here about. Okay?

23 It turns out that the person who is running
24 the business doesn't have the authority to run
25 the business.

1 Okay, that's what why we're here.

2 Let me ask you a question.

3 MR. RODRIGUEZ: Si.

4 MR. FARMER: Have you ever had any
5 association --

6 MAYOR STACK: Well, I would -- I would just
7 -- I would have Justin just translate so far what
8 you said and then --

9 MR. FARMER: Okay.

10 (Whereupon, Mr. Mercado translated from
11 English to Spanish.)

12 MR. MERCADO by Mr. RODRIGUEZ: She is --
13 she has -- she is capable to run the business
14 under the law because of the fact that while
15 required by the City of Union City is to have the
16 cards that she have and she has the power of
17 attorney from the owner, as well. The owner is
18 the owner; she's just a manager and still the
19 owner --

20 MR. FARMER: Is that your legal opinion?

21 MR. MERCADO for MR. RODRIGUEZ: So, --

22 MAYOR STACK: I think he should seek legal
23 guidance on that before he says that.

24 (Whereupon, Spanish was spoken between Mr.
25 Mercado and Mr. Rodriguez.)

1 MAYOR STACK: There's a major -- there's a
2 major difference between being an employee having
3 a bar card and actually being the licensee of a
4 liquor establishment. There's a major difference
5 there.

6 (Whereupon, Spanish was spoken between Mr.
7 Mercado and Mr. Rodriguez.)

8 COMMISSIONER FERNANDEZ: Excuse me? Excuse
9 me? Gentlemen?

10 Mr. Mercado? Mr. Mercado? Mr. Mercado?
11 Please.

12 Mr. Farmer?

13 MR. FARMER: Yes?

14 COMMISSIONER FERNANDEZ: In your -- all the
15 years of experience, --

16 MR. FARMER: Yes.

17 COMMISSIONER FERNANDEZ: -- have you ever
18 seen someone buying a liquor license --

19 MAYOR STACK: Justin?

20 COMMISSIONER FERNANDEZ: -- before going
21 before the Board?

22 MR. FARMER: No.

23 COMMISSIONER FERNANDEZ: Never?

24 MR. FARMER: No.

25 Can't do it.

1 COMMISSIONER FERNANDEZ: So, this will end
2 discussion. We have to discuss it with the
3 attorneys or with the man, Mr. Villa, that's --
4 that's in discussion.

5 But that's a serious issue. That's a
6 serious matter.

7 MR. MERCADO for MS. LAZO: I have my
8 attorney and the reason and I -- I'm here is I
9 would like to proceed with the attorneys at this
10 point because of the fact --

11 MAYOR STACK: Yeah, she's not the licensee.

12 I mean I -- she's not the licensee.

13 MS. LAZO: (Spanish was spoken.)

14 COMMISSIONER FERNANDEZ: Translate what
15 she's saying, Justin. Translate.

16 (Whereupon, several people spoke at once.)

17 MAYOR STACK: One second. One second, sir.
18 One second.

19 MR. MERCADO for MS. LAZO: They said --
20 what she's saying is I'm being accuse for noise
21 complaints. She's saying that --

22 MAYOR STACK: The licensee is being
23 accused.

24 MR. MERCADO for MS. LAZO: And I --

25 MAYOR STACK: No, no, just translate what I

1 say.

2 MR. MERCADO: Okay.

3 MAYOR STACK: The licensee is being
4 accused. The licensee.

5 (Whereupon, Mr. Mercado translated English
6 to Spanish.)

7 MAYOR STACK: The owner of the license.

8 MR. MERCADO: Yes.

9 (Whereupon, Mr. Mercado translated English
10 to Spanish.)

11 MR. FARMER: Mr. Mercado (sic), could I
12 just ask you one question?

13 Have you ever had work associated in any
14 way or -- in any way with either La Berraquera or
15 Monaco Restaurant?

16 MR. RODRIGUEZ: No.

17 MR. FARMER: Okay.

18 Thank you.

19 MAYOR STACK: You want to translate that?

20 (Whereupon, Mr. Mercado translated from
21 English to Spanish.)

22 MR. MERCADO for MR. RODRIGUEZ: I'm here
23 just as the owner of the building and if the
24 neighborhood is complaining about the noise is
25 the only problem that probably that is the area

1 but I don't see any other problems with the
2 license being running perfectly.

3 MR. FARMER: But just ask him in Spanish
4 and you've never had any association working,
5 being in any way, shape or form with Monaco or La
6 Berraquera?

7 (Whereupon, Mr. Mercado translated from
8 English to Spanish.)

9 MR. MERCADO for MR. RODRIGUEZ: No.

10 MR. FARMER: Okay.

11 MAYOR STACK: Thank you, sir.

12 Anyone else wishing to testify at this
13 time?

14 MAYOR STACK: Yes, sir?

15 Yeah, we'll take him first and then we'll
16 take you; no problem.

17 MR. MERCADO: Say your name.

18 MR. TRANGAY: Carlos Trangay.

19 MR. MERCADO for MR. TRANGAY: Carlos T-R-A-
20 N-G-A-Y.

21 T-R-A-N-G-A-Y.

22 MR. TRANGAY: T-R-A-N-G-A-Y.

23 MR. DILLON: Okay.

24 MR. TRANGAY: 214 Pennsylvania Railroad
25 Avenue, Linden, New Jersey.

1 MR. DILLON: Okay.

2 MR. MERCADO for MR. TRANGAY: Good
3 afternoon, --

4 MAYOR STACK: Good afternoon, sir.

5 MR. MERCADO for MR. TRANGAY: -- Mr.
6 Fernandez and Mayor.

7 MAYOR STACK: Good afternoon.

8 MR. MERCADO for MR. TRANGAY: Mr. Rivas,
9 good afternoon.

10 Approximately I've been working for about
11 eight years in the entertainment of the
12 restaurants -- at many restaurants. And, lastly,
13 I still working on the place -- the less problem
14 have -- the least problem have and what I could
15 feel comfortable to work.

16 I work in West New York in a restaurant and
17 do the entertainment at the Manhattan Grill with
18 Miss Lazo.

19 Independently the -- Miss Armida's running
20 a business as a owner, as a manager or as an
21 employee. She is --

22 And from the calls that has been the -- the
23 multiple call that was received by the City of
24 Union City -- to the City of Union City from the
25 neighborhood, nobody had come and knock on our

1 door saying that you have a noise problem.

2 We know that the person who's calling is
3 one person that used to work at the City of Union
4 City.

5 I have a lot of experience in sound. I
6 have a lot of experience with -- with music. And
7 that premises is very, very stable because you
8 can't hear nothing when we have the music --
9 outside. You can't hear it outside and you might
10 hear it upstairs but you can't hear. I have a
11 lot of experience doing type of party like that
12 and working in places like that.

13 If you're gonna talk about the restaurant,
14 the restaurant has always been running and --
15 very, very well. And if it's a complaint, we
16 always -- sometime we come in -- come out to see
17 if there's any problem; we have never seen
18 anybody that had complaint about this noise
19 problem.

20 My question is, if everything gets resolved
21 the -- with the problem with the noise, can Miss
22 Lazo be able to continue performing her job and
23 her work at the place and running the business if
24 everything is taken care of. If she needs to
25 fill any type of application, she will do so.

1 MAYOR STACK: Right. She needs to be
2 guided by an attorney and you can't rent the
3 liquor license from someone else.

4 MR. MERCADO for MR. TRANGAY: If she works
5 for that gentleman, she could continue working in
6 the place?

7 MAYOR STACK: I mean I can't be guided on
8 --

9 MR. FARMER: I think that that's --

10 MAYOR STACK: That's not really a --

11 MR. FARMER: You ought to talk to a lawyer.

12 MAYOR STACK: Right.

13 MR. FARMER: 'Cause we're not gonna give
14 you legal advice.

15 MAYOR STACK: I think maybe you should
16 speak to an attorney.

17 That would be my advice.

18 MR. MERCADO for MR. TRANGAY: She has
19 family. I have family as well. And it would
20 hurt us to see the place being closed. And Mr.
21 Fernandez knows me for many years, also as well
22 that he's in the music industry as well. And we
23 would like really, really to be considered about
24 this matter.

25 MR. FARMER: Let me just ask you one

1 question.

2 Are you there pretty frequently?

3 MR. TRANGAY: Yeah.

4 MR. FARMER: Okay.

5 Have you ever been there where the Police
6 have come and asked you to turn down the music
7 because it's too loud?

8 MAYOR STACK: You want Justin to translate?

9 (Whereupon, Mr. Mercado translated from
10 English to Spanish.)

11 MR. MERCADO for MR. TRANGAY: Yes.

12 MR. FARMER: And when the Police are there,
13 did you turn it down -- have you turned it down?

14 MR. MERCADO for MR. TRANGAY: Of course.

15 MR. FARMER: And how many times would you
16 say that's occurred in, let's say, the last six
17 months?

18 MR. TRANGAY: Three -- four times.

19 MR. MERCADO for MR. TRANGAY: Three or four
20 times.

21 MR. FARMER: Okay.

22 Thank you.

23 MAYOR STACK: Thank you, sir.

24 Thank you.

25 Thank you.

1 MR. TRANGAY: Gracias.

2 MAYOR STACK: Anyone else wishing to
3 testify?

4 Yes, sir? I'm sorry.

5 MR. MERCADO for MR. ORTEGAS: Good
6 afternoon, Mayor and everybody.

7 ACTING CITY CLERK: Say your name please
8 for the record.

9 MAYOR STACK: Your name; just your name.

10 MR. MERCADO for MR. ORTEGAS: Carlos
11 Ortegas (phonetic).

12 MAYOR STACK: And your address, Carlos?

13 MR. MERCADO for MR. ORTEGAS: 1400
14 Palisade, Apartment B2.

15 Good afternoon, Mayor. My name is Carlos
16 Ortegas.

17 I have been in many different places but
18 definitely that place it is a very decent place.
19 It is a place where never having any problem. As
20 a matter of fact there's a lot of childrens.
21 It's a family place. Never have been in place in
22 which I have ever feel more secure.

23 Because the majority of business in Union
24 City there are business of problems. And the
25 only business, which in is -- I go in and feel

1 safe is Manhattan Grill, Mr. Mayor. And because
2 of that that to consider at the moment to make a
3 decision.

4 I appreciate it with respect.

5 MAYOR STACK: Thank you, sir.

6 MR. MERCADO for MR. ORTEGAS: Thank you.

7 MAYOR STACK: Thank you.

8 Anyone else wishing to testify at this time
9 on Manhattan Bar and Grill?

10 (Whereupon, Mr. Mercado translated Mayor
11 Stack's comments into Spanish.)

12 MR. GARRIDO: Is this pro or against or
13 both?

14 MAYOR STACK: Either or.

15 MR. GARRIDO: All right.

16 MAYOR STACK: Anyone that would like to
17 testify. I know some people have testified in
18 favor of it, who either go there or work there.

19 Anyone wishing to testify at this time
20 against or for it, it doesn't matter, --

21 ACTING CITY CLERK: Say your name for the
22 record.

23 MAYOR STACK: -- you're welcome to come up.

24 (Whereupon, Mr. Mercado translated Mayor
25 Stack's comments into Spanish.)

1 MR. DILLON: I need you to say your name
2 and --

3 MR. GARRIDO: Alvaro Garrido.

4 MR. DILLON: I'm sorry?

5 MR. GARRIDO: A-L-V- as in Victor, -A-R-O.
6 My middle name is Ray and that's what I go by.
7 Last name is Garrido, G-A- double R -I-D-O.

8 MR. FARMER: Mr. Garrido, would you make a
9 point to keep your voice up?

10 MR. GARRIDO: Absolutely.

11 MR. DILLON: And just your address please?

12 MAYOR STACK: Good evening, Mr. Garrido.
13 Your address, sir?

14 MR. GARRIDO: 1704 Manhattan Avenue.

15 MAYOR STACK: Okay, you can go right ahead.

16 MR. GARRIDO: Okay.

17 I live right across cattycorner from --
18 from the bar. I don't know any of these people.
19 I've never had any dealings with them, with the
20 exception of a couple of times there was a car
21 parked in my driveway and I went in and I spoke
22 with one of the ladies behind the bar; somebody
23 went out there and moved their car.

24 I do, however, have complaints about noise
25 and, most recent this weekend --

1 COMMISSIONER RIVAS: Excuse me, sir?

2 MR. GARRIDO: -- I work at the stadium --

3 COMMISSIONER RIVAS: Can you please --

4 MR. GARRIDO: Certainly.

5 COMMISSIONER RIVAS: I can't hear you.

6 MR. GARRIDO: This weekend I work at the
7 stadium. I got home probably about 1:40 in the
8 morning and I have a tenant on my first -- on my
9 house, my first floor and he said, Mr. Garrido --
10 Ray, there's something going at the corner by the
11 bar.

12 So I said what's -- I had my uniform that I
13 work at the stadium and I went -- apparently
14 somebody was beating somebody up. That happened
15 this weekend. Okay? That one of the persons
16 from the bar went out there and was talking to
17 the guy. Apparently it has just gotten over.

18 But my tenant said that somebody was
19 getting beaten. I said did you call the Police?
20 I said no, I -- I didn't know what to do. I
21 said, well next time you see something like that
22 call the Police.

23 That's an incident that just happened this
24 weekend.

25 Okay? Prior to that it has been noises,

1 | not emanating from the bar but people outside the
2 | bar, for whatever reason having an argument and
3 | running out of there. That I have seen.

4 | I can't really call the Police when people
5 | are running out. So, -- and that's --

6 | MAYOR STACK: How long -- how long have you
7 | experienced that, Mr. Garrido?

8 | MR. GARRIDO: I retired 17 years ago. With
9 | this establishment --

10 | 'Cause there was prior establishments,
11 | there was problems with that.

12 | With this one probably in the last year
13 | it's happened. Okay. But most recent was the
14 | incident this weekend.

15 | MAYOR STACK: Okay.

16 | MR. GARRIDO: Okay and that's --

17 | My neighbors have told me of other
18 | incidents. I cannot speak for that because --

19 | MAYOR STACK: Sure.

20 | MR. GARRIDO: -- I'm -- I wasn't there.

21 | MAYOR STACK: Sure.

22 | MR. GARRIDO: But there had been
23 | complaints. And it's -- it's not fact, so I
24 | can't bring it up.

25 | MAYOR STACK: I understand.

1 MR. GARRIDO: Okay?

2 MR. FARMER: Are those neighbors here
3 tonight?

4 MR. GARRIDO: I'm sorry?

5 MR. FARMER: Are those neighbors here
6 tonight?

7 MR. GARRIDO: My neighbors are. They're
8 right in the back.

9 MAYOR STACK: Okay.

10 A VOICE: Everybody hears it.

11 MR. GARRIDO: That's all that I have.

12 MAYOR STACK: Thank you very much, Mr.
13 Garrido.

14 MR. GARRIDO: Thanks.

15 MAYOR STACK: Thank you for your testimony.

16 Anyone else wishing to testify at this
17 time?

18 Anyone else wishing to testify either for
19 or against this establishment?

20 The purpose of this hearing is to solicit
21 testimony from residents who live in the area or
22 anyone who would like to testify.

23 You want to say that in Spanish?

24 (Whereupon, Mr. Mercado translated Mayor
25 Stack's comments into Spanish.)

1 MAYOR STACK: She can come up.

2 If anyone needs a translator, there's no
3 problem; Justin's here to translate.

4 (Whereupon, Mr. Mercado translated Mayor
5 Stack's comments into Spanish.)

6 MS. CASTORO: Francesca Castoro.

7 MR. DILLON: Can you spell your last name?

8 MS. CASTORO: 1702 Manhattan Avenue.

9 MR. DILLON: Your last --

10 MS. CASTORO: Spell my name?

11 MR. DILLON: Your last name please.

12 MAYOR STACK: You can say it --

13 ACTING CITY CLERK: Castoro.

14 C-A--

15 MAYOR STACK: Can you speak --

16 ACTING CITY CLERK: C-A-S-T-O-R-O.

17 Castoro? Right? Castoro?

18 MAYOR STACK: Castoro?

19 MS. CASTORO: Castoro, yes.

20 MAYOR STACK: Castoro. Castoro.

21 COMMISSIONER VALDIVIA: He's Italian; he
22 could help her.

23 MS. CASTORO: Yes.

24 ACTING CITY CLERK: Can I translate for
25 her?

1 Am I allowed to translate?

2 MAYOR STACK: Kara, can he translate?

3 Yeah, right?

4 MS. KACZYNSKI: I --

5 MAYOR STACK: Yeah.

6 MS. KACZYNSKI: Swear him in though.

7 MAYOR STACK: Let the record reflect
8 Dominick Cantatore, the City Clerk -- Acting City
9 Clerk, can speak Italian and serve at this point
10 and help the translation.

11 MS. KACZYNSKI: Could we just swear him
12 that he's going to?

13 MAYOR STACK: Sure.

14 (Whereupon, Dominick Cantatore, Acting City
15 Clerk, translated from English to Italian and
16 from Italian to English.)

17 MR. CANTATORE: Dominick Cantatore, 309
18 Madison Avenue, Hasbrouck Heights, New Jersey.

19 MAYOR STACK: Okay.

20 MS. CASTORO: Francesca Castoro.

21 MR. CANTATORE: Francesca Castoro, C-A-S-T-
22 O-R-O.

23 MR. CANTATORE for MS. CASTORO: The problem
24 with the bar, they all against it.

25 MS. CASTORO: Because before --

1 MR. CANTATORE for MS. CASTORO: There's
2 been times where people coming out of the bar and
3 she doesn't know if they've been drinking or not
4 but they are loud and yelling and --

5 MS. CASTORO: A lot of people -- (Italian
6 was spoken.)

7 MR. CANTATORE for MS. CASTORO: A lot of --
8 there was times where people coming out of the
9 bar they went behind our garage to do whatever,
10 urinate and --

11 There's been -- again she's saying there's
12 been time where I think one, two, three o'clock
13 in the morning with people coming out and yelling
14 and screaming. And this is not right, she's
15 saying.

16 MS. CASTORO: That's it.

17 MAYOR STACK: Thank you, Ms. Castoro.

18 MS. CASTORO: Okay.

19 Thank you.

20 MAYOR STACK: Thank you. Thank you very
21 much.

22 Thank you, Dominick.

23 COMMISSIONER VALDIVIA: Thank you,
24 Dominick.

25 MAYOR STACK: Thank you.

1 Okay, anyone else who is wishing to testify
2 at this time, can please step forward, just state
3 your name and address for the record.

4 Okay, Mr. Farmer, do you have any --

5 MR. HURTAU: Sorry.

6 MAYOR STACK: Sure.

7 MR. HURTAU: My name's Marco Hurtau. I
8 live in 1206 Bergenline Avenue.

9 MR. DILLON: I'm sorry; I didn't get your
10 last name.

11 MR. HURTAU: Hurtau, H-U-R-T-A-U.

12 MAYOR STACK: Justin will translate.

13 MR. HURTAU: Hurtau.

14 MR. MERCADO: Okay.

15 MR. HURTAU: Okay.

16 MR. MERCADO for MR. HURTAU: I frequently
17 go to the bar after work to relax and eat. And
18 every weekends I take my childrens over there.

19 I never see problems inside or outside of
20 the bar. And I don't think it's right that the
21 way people behave outside of the bar they have to
22 be punished -- the bar owner.

23 As I repeat it again, it looks -- it is a
24 good business; it's very different than the other
25 business, it's a family business.

1 And like me, like many people that works,
2 we would like to get a moment to relax and that's
3 why go over there and relax and eat something.

4 That's all I have to say.

5 MAYOR STACK: Thank you very much, sir.
6 Thank you.

7 Anyone else at this time that would like
8 to --

9 Yes, sir?

10 MR. MANGLANI: Hi, my name is Vicky
11 Manglani. V-I-C-K-Y. M-A-N-G-L-A-N-I. My
12 address is 114 19th Street, Union City.

13 And I would like to just state that I have
14 moved here year and a half ago and I was -- use
15 to live in New York. I've been to a lot of
16 places. I've seen a lot of places. I've seen
17 where people come and fight or whatever. I mean
18 I've been to places all over. And I've been here
19 as well in many occasions. I go there once a
20 week to eat.

21 That's how I came to know a lot of people
22 who live in this neighborhood. That's how I made
23 friends over here.

24 And since then I don't go out in New York
25 City anymore. I normally go here, right across

1 the street. And I would like to say that I
2 haven't seen a place like -- family-oriented
3 place where there's fights or anything. I've
4 never experienced any fights over there or
5 arguments over there.

6 And if you -- if you give a chance for them
7 we can show you the pictures where there has been
8 a big community -- group people coming and having
9 lunch with them, dinners over there. The kids
10 with -- watching the game with their kids,
11 family.

12 And just to state that having people
13 fighting outside, as they said, cops have come
14 in, right, somebody makes a complaint. And
15 fights and stuff, there's argument when people
16 fight, it takes a lot of time. People fight with
17 each other, they have arguments, the cops have
18 come; right?

19 Has ever any cop experienced outside any
20 kind of nuisance?

21 I would like to ask that question. And if
22 not, then I don't think -- it's just people are
23 creating stories and I have not seen something
24 like that before.

25 If you give them a chance, we can prove you

1 | that it's a family-oriented place; we can show
2 | you pictures.

3 | MAYOR STACK: Have you been there with the
4 | Police came?

5 | MR. MANGLANI: I have never seen, no.

6 | MAYOR STACK: What time is most of the time
7 | that you would go there and frequent the
8 | establishment?

9 | MR. MANGLANI: I would normally go there on
10 | a weekend just to have dinner, have a drink,
11 | that's it. And then I go --

12 | MAYOR STACK: And what's the latest you've
13 | been there?

14 | MR. MANGLANI: Because I work late.

15 | MAYOR STACK: Sure.

16 | MR. MANGLANI: I work in the City.

17 | MAYOR STACK: Sure.

18 | MR. MANGLANI: I work late, I come home, I
19 | sleep --

20 | MAYOR STACK: Sure.

21 | MR. MANGLANI: -- and then I go again --

22 | MAYOR STACK: Sure.

23 | MR. MANGLANI: -- maybe on the weekends if
24 | I don't want to go to the City --

25 | MAYOR STACK: Sure.

1 MR. MANGLANI: -- or if I have no
2 commitment.

3 MAYOR STACK: Sure.

4 MR. MANGLANI: I go sometimes on Sunday for
5 lunch.

6 MAYOR STACK: Sure.

7 No, it's understandable.

8 Let me ask you a question. What's the
9 latest time that you've been there?

10 MR. MANGLANI: I've been there at two.

11 MAYOR STACK: Okay.

12 MR. MANGLANI: Until two.

13 MAYOR STACK: I think most of our
14 complaints --

15 MR. MANGLANI: From seven to two.

16 I normally go on the weekends. Because --
17 that's what I'm saying, I stopped going to the
18 City.

19 MAYOR STACK: Right.

20 MR. MANGLANI: So on the weekend, if I want
21 to go and just have a good time, I go there
22 instead.

23 MAYOR STACK: Sure.

24 MR. MANGLANI: And stopped going to the
25 City. A lot of commuters going over here, rather

1 | than coming back in the night, getting the bus.

2 | So I rather go here.

3 | MAYOR STACK: See --

4 | MR. MANGLANI: And I've been there late
5 | night.

6 | MAYOR STACK: Right.

7 | Most of our complaints are in the later
8 | part of the night. That's the reason I ask what
9 | time have you been there.

10 | MR. MANGLANI: I have been there.

11 | MAYOR STACK: Okay.

12 | MR. MANGLANI: I've been there late night.

13 | MAYOR STACK: Okay. Good.

14 | MR. MANGLANI: So that's all I want to say
15 | that it's a family place. If you give them a
16 | chance they can prove it.

17 | MAYOR STACK: Thank you for your testimony,
18 | sir.

19 | MR. MANGLANI: No problem.

20 | MAYOR STACK: Thank you very much.

21 | MR. MANGLANI: Thank you.

22 | MAYOR STACK: Anyone else at this time that
23 | would like to testify?

24 | MS. TROCHA: My name is Gracie Trocha.
25 | Buenas tardes.

1 MR. MERCADO: Gracie.

2 MS. TROCHA: Gracie.

3 MR. MERCADO: Trocha.

4 MR. DILLON: How do you spell --

5 MR. MERCADO: Trocha, T-R-O-C-H-A.

6 MS. KACZYNSKI: Address?

7 State her address.

8 MR. MERCADO for MS. TROCHA: 67 Hudson
9 Street, Apartment number 2, Jersey City.

10 It's been a while that I've been visiting
11 and frequenting that place -- Union City and any
12 other places but -- but I decided to stay in that
13 place and go frequently because I see how secure
14 is the place and that's what we're looking for,
15 being secure in places that we go.

16 And they're very -- and they're very strict
17 there with the music. And they're very strict
18 there with the music. By 1:30 they shut the
19 music down. Even the people request more, they
20 very strict on that.

21 Also, if they see that somebody has no
22 transportation, they'll even call the taxicab to
23 be able to transport the customers.

24 And it's a place where many people goes
25 from different country and different places and I

1 -- I feel comfortable over there 'cause they give
2 good service and I feel comfortable.

3 MAYOR STACK: Thank you very much. Thank
4 you.

5 MS. TROCHA: Okay.

6 Thank you.

7 MAYOR STACK: Thank you.

8 Anyone else wishing to testify at this
9 time?

10 Mr. Farmer, do you have any police officers
11 that will testify?

12 MR. FARMER: Yeah. I'd like to call
13 Lieutenant Loaces.

14 MAYOR STACK: Lieutenant. Okay.

15 Lieutenant John Loaces?

16 MR. DILLON: I just need your name.

17 LIEUTENANT LOACES: Lieutenant John Loaces,
18 L-O-A-C-E-S, Union City Police.

19 MR. FARMER: Lieutenant, I'm just going to
20 ask you a couple of questions and if you can give
21 us an overview with respect to Manhattan Bar and
22 Grill.

23 MS. KACZYNSKI: Greg? Can you just swear
24 him in?

25 MR. DILLON: Oh, should I swear him in?

1 MAYOR STACK: Yeah.

2 MR. DILLON: Oh. I'm sorry.

3 MAYOR STACK: I was --

4 MR. DILLON: Do you swear that the
5 testimony you're about to give this Board is the
6 whole truth?

7 LIEUTENANT LOACES: I do.

8 MR. DILLON: Okay.

9 LIEUTENANT LOACES: Thank you.

10 MR. FARMER: Are you familiar with
11 citizens' complaints about noise from Manhattan
12 Bar and Grill as a Lieutenant in the Union City
13 Police Department?

14 LIEUTENANT LOACES: I am.

15 MR. FARMER: Could you share with us
16 basically what you know about it, the complaints
17 and what's going on and how long you've been
18 involved in the Union City Police Department?

19 LIEUTENANT LOACES: I've been an officer of
20 the Union City Police Department since July 23rd,
21 1990. Going on almost 25 years now.

22 I've gotten different types of complaints
23 about the Manhattan Bar and Grill. I've gotten
24 complaints via confidential informants that call
25 up from the area. I've gotten complaints at

1 community meetings.

2 As everyone knows, there are -- the Mayor
3 does many meetings throughout the City and I've
4 attended these meetings and some of the concerns
5 that the residents express is that the Manhattan
6 Bar and Grill has problems with noise; with
7 groups outside. Whether they're smoking, being
8 disorderly, parking their cars at the hydrant.

9 I've gotten a plethora of different
10 concerns, different issues but they all boil down
11 to the same thing. The behavior of, if you will,
12 their patrons or their customers while outside.

13 Not to mention the noise of the music or
14 the laughter or the joyous occasion that's going
15 on inside.

16 But it all boils down to the same thing;
17 it's noise complaints from area residents.

18 Now I'd like to just point something that I
19 noticed if I may?

20 I notice that we have multiple people here
21 who are speaking on -- in reference to the
22 Manhattan Bar and Grill. Some are speaking for;
23 some are speaking against.

24 What I -- what I find interesting, and it's
25 just my personal opinion, is that the majority of

1 the people that are supporting the establishment
2 and do not find that there is any noise or any
3 issues whatsoever, one, do not live in the area.

4 One gentleman claimed he lived in Lyndhurst
5 (sic). Another young lady claimed she lived 67
6 and Hudson.

7 And I think that speaks volumes. Because
8 the people that are complaining about the noise
9 are people who literally live across the street.

10 We have one gentleman who lives on the 100
11 block of 19th Street. Granted it is close but
12 technically it's two blocks away. You would have
13 to go one block north and then one block east to
14 his house. So chances are that if the noise were
15 affecting him, it would be ridiculous at that
16 point.

17 And that's not what we're here about.
18 We're not here about noise that have to travel
19 seven blocks, five blocks for that matter. We're
20 talking about the residents that live in that
21 immediate area.

22 Union City is still the most densely
23 populated city in the entire country. And the
24 bottom line is we've gone there; I've gone there.
25 I've seen the noise. I've addressed the noise

1 | complaints. I've spoken to the woman who's in
2 | charge of the establishment. And we keep going
3 | back to the same issues again.

4 | And the bottom line is the Union City
5 | Police Department, for that reason and many
6 | others, is against this bar. Because it doesn't
7 | seem that the problem gets any better.

8 | There was references made about that the
9 | reasons that the Police Department gets
10 | complaints is in reference through some City
11 | worker. Obviously that's not the case because we
12 | have City residents who came up here right now
13 | and they voiced their opinion. That we have
14 | people walking into their garages; we have people
15 | walking into their driveway doing whatever it was
16 | that they said they were doing. People going --
17 | one gentleman pointed out that there was a fight
18 | right -- this weekend.

19 | My understanding of it we have no report of
20 | a fight, which is part of the problem also. If
21 | the licensee is not willing to cooperate with the
22 | Union City Police Department and call us if
23 | there's a problem, that's a problem in and of
24 | itself.

25 | MR. FARMER: When you say -- and I'm

1 talking about quality of life. You said there
2 were some people who are residents here who may
3 not have testified, are they in the back? Are
4 they in all those people in the back?

5 LIEUTENANT LOACES: Well, right now there's
6 probably -- I'd say 20 people in this room right
7 now. Only a small majority spoke. I don't know
8 what the others would have said had they spoke.

9 MR. FARMER: Okay. I got it.

10 All right, I -- I don't have any further
11 questions.

12 Officer Bergbauer?

13 MAYOR STACK: Thank you, Lieutenant.

14 LIEUTENANT LOACES: Thank you, sir.

15 ACTING CITY CLERK: State your name for the
16 record.

17 SERGEANT BERGBAUER: Sergeant Michael
18 Bergbauer. B-E-R-G-B-A-U-E-R.

19 MR. DILLON: Do you swear the testimony
20 that you're about to give this Board is the whole
21 truth?

22 SERGEANT BERGBAUER: I do.

23 MR. DILLON: Thank you.

24 MR. FARMER: Sergeant, for the benefit of
25 the Board and people who are here, have you had

1 | experiences with Manhattan Bar and Grill in your
2 | capacity as a police officer?

3 | SERGEANT BERGBAUER: Yes, sir. As Patrol
4 | Supervisor I've responded to the bar on numerous
5 | occasions.

6 | MS. KACZYNSKI: Swear him in.

7 | SERGEANT BERGBAUER: One occasion that I
8 | have --

9 | MR. FARMER: You've been sworn in, haven't
10 | you?

11 | SERGEANT BERGBAUER: Yes, sir.

12 | MR. FARMER: Yeah.

13 | SERGEANT BERGBAUER: One occasion that I
14 | have a particular memory of is a karaoke night
15 | where people are given the ability to sing songs
16 | and whatnot. And it was so loud and obscene and
17 | the people were so intoxicated inside the bar
18 | that we went in there, basically asked them to
19 | turn them down and issued a VCO, they refused to
20 | turn the music down and actually turned it up
21 | louder. And put myself and my officers on the
22 | scene with me in actually a dangerous situation.

23 | That particular night we issued a VCO and
24 | wrote the bar up for other violations. But it's
25 | been numerous over the years.

1 MAYOR STACK: Wait a minute.

2 Sergeant, you went into the establishment
3 and you told them that they needed to lower it
4 down because of multiple complaints that you're
5 receiving and they refused to do it?

6 SERGEANT BERGBAUER: Yeah, it got rowdy.
7 It got -- actually they got -- the person that
8 was in charge of the karaoke actually turned it
9 up. And it placed all of us, all my responding
10 officers, myself, in a precarious situation.

11 MAYOR STACK: So when you have a situation
12 like that how many officers were called to the
13 scene?

14 SERGEANT BERGBAUER: Three to four. I mean
15 it was -- at that point on midnight shift it's
16 like, you know, people are other places and
17 whatnot --

18 MAYOR STACK: Right.

19 SERGEANT BERGBAUER: -- at bar closing.

20 MAYOR STACK: Which is taking officers from
21 other parts of the City.

22 SERGEANT BERGBAUER: Yeah. Yes.

23 MR. FARMER: Now you had designated -- and
24 I apologize, you said that your -- in your
25 capacity as what in the Union City --

1 SERGEANT BERGBAUER: Work Supervisor.

2 MAYOR STACK: Patrol Supervisor.

3 MR. FARMER: Okay.

4 In that capacity, -- how long you been in
5 that capacity?

6 SERGEANT BERGBAUER: Three years now.

7 MR. FARMER: Okay.

8 Let's just say in the past year or so, --
9 let's say the three years, how many times would
10 you say you had to go to -- either you personally
11 or you were aware of other police officers going
12 to Manhattan Bar and Grill because of the noise?

13 SERGEANT BERGBAUER: Counsel, in my three
14 years I did two years on midnights and every
15 weekend -- every weekend Manhattan Bar and Grill.
16 It's countless. Countless.

17 MR. FARMER: Too many to --

18 SERGEANT BERGBAUER: Too many.

19 MR. FARMER: Too many to --

20 SERGEANT BERGBAUER: Too many. Countless.

21 MR. FARMER: Okay.

22 Thank you.

23 MAYOR STACK: Sir, while the officer's
24 testifying, I would appreciate the same courtesy
25 you were extended that you extend to him also.

1 MR. FARMER: Okay.

2 Any further questions?

3 MAYOR STACK: I don't. No.

4 Thank you.

5 COMMISSIONER FERNANDEZ: Sergeant, just one
6 question.

7 In all that time have you -- did you ever
8 meet Mr. Villa the owner of the establishment?

9 SERGEANT BERGBAUER: I always dealt with
10 this woman right here, the barmaid.

11 COMMISSIONER FERNANDEZ: So in the two,
12 three years, you never met Mr. Villa?

13 SERGEANT BERGBAUER: No, I've always dealt
14 with her right there. It's always an issue of
15 having a bar card or it's always an issue with
16 paperwork but specifically the noise. I'm
17 usually there for noise.

18 COMMISSIONER FERNANDEZ: But, again, never
19 Mr. Villa, --

20 SERGEANT BERGBAUER: No, sir.

21 COMMISSIONER FERNANDEZ: -- the licensee?

22 MAYOR STACK: Is it usually when you arrive
23 at a scene when you have -- you experience on the
24 midnight tour, when you have a problem at a
25 liquor establishment that you'll meet an owner on

1 the scene?

2 SERGEANT BERGBAUER: No, she always gets on
3 the phone when I get there and tries to call
4 somebody or just -- no, never there.

5 MAYOR STACK: What about in other
6 establishments when --

7 SERGEANT BERGBAUER: Other establishments?
8 Yeah.

9 MAYOR STACK: You'll meet with an owner or
10 somebody who's in charge of the establishment?

11 SERGEANT BERGBAUER: For the most part,
12 yes.

13 MAYOR STACK: Thank you very much.

14 SERGEANT BERGBAUER: Yes, sir.

15 MR. DILLON: Please raise your right hand.

16 Do you swear that the testimony that you're
17 about to give to this Board is the whole truth?

18 DETECTIVE MORDAN: Yes, sir.

19 MAYOR STACK: Just --

20 MR. DILLON: State your name and spell it
21 for the record.

22 DETECTIVE MORDAN: Detective Edwin Mordan,
23 M-O-R-D-A-N.

24 MR. FARMER: Detective, the question I'm
25 going to ask you is probably what you've heard

1 asked of Lieutenant Loaces and Sergeant
2 Bergbauer.

3 And that is what has been your experience
4 as a police officer and a detective in Union City
5 with the Manhattan Bar and Grill?

6 DETECTIVE MORDAN: My experience has been
7 that we've been there several times. I've been
8 there in the last year, a little bit over a year,
9 I would say at least 12 times on noise.

10 On one night, November, we were there three
11 times. I believe the first time Patrol handled
12 it. Second time we responded. We asked them to
13 lower the music; they complied. And then about
14 an hour later we were back there for the same
15 exact thing.

16 At this point we checked all their
17 paperwork; they were missing some paperwork. And
18 we actually ended up writing them up for the
19 noise that night.

20 My other experience would be quality of
21 life stuff. People parking in the hydrant across
22 the street, the no parking zones, blocking the
23 crosswalks, double-parking while they're inside.

24 That would be my experience.

25 MR. FARMER: Let me ask you this question.

1 We've been hearing noise.

2 My question is when you go to the
3 establishment and you pull up and you get to the
4 establishment, can you hear the noise outside or
5 do you have to go inside to hear the noise?

6 DETECTIVE MORDAN: No, you can hear it from
7 the outside. And then we would have to go --
8 obviously it gets louder as you go inside. We'll
9 ask -- the majority of the time we'll ask them to
10 lower it. And they'll comply. And, like I said,
11 sometimes we'll back again because it just goes
12 back up. You know?

13 MR. FARMER: And what kind of time period
14 are we talking about?

15 Are we talking about like at six o'clock at
16 night or 12 o'clock at night or one o'clock in
17 the morning?

18 DETECTIVE MORDAN: The one incident I
19 recall in November, the first call was at 10:30
20 at night.

21 The second was a little bit over an hour
22 later; some time like 11, 11:30, 11:45.

23 And then the third call was after midnight.
24 And we were there -- that was the third time
25 within my shift that we were there.

1 MR. FARMER: Third time in one night?

2 DETECTIVE MORDAN: Yes, sir.

3 MR. FARMER: And so just let me
4 recapitulate this.

5 You go there on the -- the three times that
6 one night; go there, turn the music down.

7 DETECTIVE MORDAN: I believe Patrol
8 responded the first time; they complied.

9 The second time we heard it; now we
10 responded. They complied with lowering the
11 music; they took care of it.

12 And about an hour later, it was back up
13 again; this was the third time. And that's when
14 we actually turned the lights on and asked them
15 to turn off the music and we checked all their
16 paperwork out.

17 MR. FARMER: Okay.

18 And when you -- when you describe that,
19 those are all things you could hear outside?

20 DETECTIVE MORDAN: Yes, sir.

21 MR. FARMER: All right.

22 Thank you.

23 MAYOR STACK: Thank you very much,
24 Detective.

25 DETECTIVE MORDAN: You're welcome.

1 MAYOR STACK: Anyone else at this time,
2 before we wrap up the meeting, that would like to
3 testify on this matter?

4 Justin, will you say that please?

5 (Whereupon, Mr. Mercado translated Mayor
6 Stack's comments into Spanish.)

7 MAYOR STACK: Okay, can we go into maybe a
8 Closed Session for a few moments?

9 MS. KACZYNSKI: You can do that.

10 MAYOR STACK: Okay.

11 MS. KACZYNSKI: Let's put it on the record.

12 MAYOR STACK: I'm sorry?

13 MS. KACZYNSKI: Put it on the record.

14 MAYOR STACK: Yes.

15 Okay, so --

16 ACTING CITY CLERK: We're going to take a
17 break.

18 MAYOR STACK: Okay? We'll take five
19 minutes?

20 We'll take --

21 Okay, sure.

22 MS. KACZYNSKI: Let the record show we're
23 going to go into Closed Session.

24 MAYOR STACK: Motion.

25 COMMISSIONER MARTINETTI: Second.

1 ACTING CITY CLERK: Motion made by
2 Commissioner --

3 COMMISSIONER MARTINETTI: The Mayor.

4 ACTING CITY CLERK: -- Martinetti.

5 Second by Mayor Stack.

6 Roll call.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes.

9 ACTING CITY CLERK: Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18 Just for everyone's knowledge, we're just
19 going to take five minutes and we're going to
20 return.

21 We'll be back out here in five minutes.

22 MS. KACZYNSKI: The purpose of this is to
23 discuss potential litigation matters.

24 MAYOR STACK: I'm sorry?

25 MS. KACZYNSKI: Just have to put on the

1 record the purpose of Closed Session.

2 (Whereupon, Mr. Mercado translated Mayor
3 Stack's comments into Spanish.)

4

5 (Whereupon, the Board moved to Closed
6 Session at 7:56 p.m.)

7

8 (Whereupon, the Board returned to Open
9 Session at 8:04 p.m.)

10

11 MS. KACZYNSKI: Back on the record; back
12 from Closed Session.

13 COMMISSIONER RIVAS: Motion to open --

14 MAYOR STACK: Motion.

15 COMMISSIONER RIVAS: -- Closed Session.

16 ACTING CITY CLERK: Motion made by
17 Commissioner Rivas.

18 Second by Mayor Stack.

19 Roll call.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 ACTING CITY CLERK: Commissioner Valdivia?

23 COMMISSIONER VALDIVIA: Yes.

24 ACTING CITY CLERK: Commissioner

25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 ACTING CITY CLERK: Commissioner Rivas?

3 COMMISSIONER RIVAS: Yes.

4 ACTING CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6 ACTING CITY CLERK: Back on the record.

7 MAYOR STACK: Okay.

8 At this time we'll take any additional
9 testimony.

10 Anyone else who would wish to testify at
11 this time, please step forward, state your name
12 and address for the record.

13 Justin?

14 Sir?

15 (Whereupon, Mr. Mercado translated Mayor
16 Stack's comments into Spanish.)

17 MR. SUAREZ: Yes, hi. Pedro Suarez,
18 S-U-A--

19 MR. DILLON: Address please?

20 MR. SUAREZ: S-U-A-R-E-Z, 1806 Manhattan
21 Avenue.

22 I just want to say I've been there 34
23 years. Another bar used to be a big
24 establishment. They cut in -- like in half and
25 they rent the one side to a store. So, it's

1 smaller now.

2 Years ago the people that used to be there,
3 now that was a problem. With the fights at two
4 o'clock, three o'clock in the morning. There was
5 even a shootout. Years ago. I'm talking years.

6 But these -- the new people, for me
7 personally, --

8 Some of the neighbors have complained about
9 urination in their driveways.

10 Me personally, I haven't had any problems.
11 I don't even hear the noise that they talk about
12 'cause my bedroom is in the rear of the house.

13 MAYOR STACK: Sure.

14 MR. SUAREZ: Now the officers do say that
15 they've been there. I don't know.

16 I just want to say, you know, that --
17 that's all, that the neighbors have complained
18 about urination and double-parking like the
19 officer said but, you know.

20 And another thing was you were saying about
21 paperwork, problems with paperwork with the
22 license. So that's -- I think it's irrelevant of
23 what the customers do outside, right, and what
24 the actual holder of the license does.

25 MAYOR STACK: Thank you for your testimony,

1 sir.

2 MR. SUAREZ: That's all.

3 MAYOR STACK: Thank you. Thank you for
4 testifying.

5 Anyone else wishing to comment at this
6 time?

7 (Whereupon, Mr. Mercado translated Mayor
8 Stack's comments into Spanish.)

9 MAYOR STACK: Okay, seeing no other we'll
10 close the hearing then at this point.

11 We'll close the hearing and we'll reserve
12 decision until Tuesday, August 5th at five p.m.
13 and we'll be back here for a meeting.

14 That will be Tuesday, August the 5th, five
15 p.m. at this same location, 420 15th Street.

16

17 **ADJOURNMENT:**

18

19 ACTING CITY CLERK: Is there a motion to
20 close?

21 (Whereupon, Mr. Mercado translated Mayor
22 Stack's comments into Spanish.)

23 MR. MERCADO: What time is --

24 ACTING CITY CLERK: Five --

25 MAYOR STACK: At five o'clock.

1 ACTING CITY CLERK: Five.

2 (Whereupon, Mr. Mercado translated Mayor
3 Stack's comments into Spanish.)

4 MAYOR STACK: Thank you very much,
5 everyone. Have a good evening.

6 COMMISSIONER RIVAS: Motion.

7 ACTING CITY CLERK: Motion to close?

8 MS. KACZYNSKI: Mayor, hold on, hold on,
9 hold on.

10 COMMISSIONER RIVAS: Motion.

11 COMMISSIONER FERNANDEZ: Second.

12 COMMISSIONER RIVAS: Oh.

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

15 MAYOR STACK: Thank you very much. Have a
16 good evening, --

17 A VOICE: Good night.

18 MAYOR STACK: -- everyone.

19 A VOICE: Good night.

20 MAYOR STACK: Have a good evening.

21 ACTING CITY CLERK: Is there a motion --

22 COMMISSIONER FERNANDEZ: Motion.

23 MAYOR STACK: Have a good evening.

24 ACTING CITY CLERK: Motion to close;
25 Commissioner Fernandez.

1 COMMISSIONER VALDIVIA: Second.

2 ACTING CITY CLERK: Second; 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
10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16 ACTING CITY CLERK: All in favor?

17

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

19

20 (Whereupon, the proceedings were concluded
21 at 8:08 p.m.)

22

23

24

25

1	_____	Brian P. Stack
2	_____	Lucio P. Fernandez
3	_____	Maryury A. Martinetti
4	_____	Celin J. Valdivia
5	_____	Tile 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 SPECIAL
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Thursday, July 17, 2014, and digitally
10 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon