

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

William V. Musto
Cultural Center
420 15th Street
Union City, New Jersey

Tuesday, August 5, 2014
Commencing at 5:01 p.m.

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

BRIAN P. STACK, MAYOR
LUCIO P. FERNANDEZ, COMMISSIONER
MARYURY A. MARTINETTI, COMMISSIONER
CELIN J. VALDIVIA, COMMISSIONER, (Left at 5:26 p.m.)
TILO E. RIVAS, COMMISSIONER

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

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

DOMINICK CANTATORE, ACTING CITY CLERK

SCARINCI HOLLENBECK
BY: MONICA E. de los RIOS, ESQ.
BY: KARA A. KACZYNSKI, ESQ.
Corporation Counsel

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

GREGORY T. FARMER, ESQ.
Attorney for the Union City
Alcohol Beverage Control Commission

LUIS E. DIAZ, ESQ.
Attorney for Manhattan Bar & Grill Restaurant

MESSRS. GONZALEZ & CARIDE
BY: RAMON M. GONZALEZ, ESQ.,
Attorney for Mayen Corp. t/a El Trebol

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1 ACTING CITY CLERK: This is a Regular
2 Public Meeting of the Union City Board of
3 Commissioner, being held on Tuesday, August 5th,
4 2014, at five p.m., at the William V. Musto
5 Cultural Center, 420 15th Street, Union City, New
6 Jersey.

7 Everyone please rise for the Pledge of
8 Allegiance of the flag.

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

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

18 Notice of this meeting setting forth the
19 time, the date, location, and the agenda, to the
20 extent known, was forwarded to The Jersey
21 Journal, The Record, and The Hudson Reporter, has
22 been posted on bulletin board in City Hall and
23 has been made available to the public in the
24 office of the 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 PREVIOUS MEETING MINUTES OF JUNE 30,**
17 **2014 and JULY 1, 2014:**

18

19 ACTING CITY CLERK: First item is approval
20 of previous meeting minutes from June 30th, 2014
21 and July 1st, 2014.

22 Is there a motion to approve?

23 COMMISSIONER MARTINETTI: Motion.

24 ACTING CITY CLERK: Motion made by
25 Commissioner Martinetti.

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Rivas.

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

17 **ORDINANCES FOR HEARING AND ADOPTION**

18 **CONSIDERATION:**

19

20 1. ORDINANCE REQUIRING BAITING FOR MICE AND
21 RATS IN VACANT BUILDINGS

22

23 ACTING CITY CLERK: Next item is an
24 Ordinance for Hearing and Adoption Consideration.

25 Ordinance Requiring Baiting for Mice and

1 Rats in Vacant Buildings.

2 Mayor, --

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 This is just being done as a public safety
7 health and -- health and public safety issue, to
8 have vacant buildings and abandoned buildings
9 that are not probably baited.

10 Alex Velazquez from the Health Department
11 has been working hard on this; actually came up
12 with the idea -- very good idea. And I'd just
13 like to thank him and the staff at the Health
14 Department.

15 Seeing no other.

16 ACTING CITY CLERK: Motion to close public
17 hearing?

18 MAYOR STACK: Motion.

19 COMMISSIONER VALDIVIA: Second.

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

22 Second by Commissioner Valdivia.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 ACTING CITY CLERK: Commissioner Rivas?
2 COMMISSIONER RIVAS: Yes.
3 ACTING CITY CLERK: Commissioner Valdivia?
4 COMMISSIONER VALDIVIA: Yes.
5 ACTING CITY CLERK: Commissioner
6 Martinetti?
7 COMMISSIONER MARTINETTI: Yes.
8 ACTING CITY CLERK: Mayor Stack?
9 MAYOR STACK: Yes.
10 ACTING CITY CLERK: Is there a motion to
11 adopt?
12 MAYOR STACK: Motion.
13 ACTING CITY CLERK: Motion made --
14 COMMISSIONER MARTINETTI: Second.
15 ACTING CITY CLERK: -- by Mayor Stack.
16 Second by Commissioner Martinetti.
17 Roll call.
18 Commissioner Fernandez?
19 COMMISSIONER FERNANDEZ: Yes.
20 ACTING CITY CLERK: Commissioner Rivas?
21 COMMISSIONER RIVAS: Yes.
22 ACTING CITY CLERK: Commissioner Valdivia?
23 COMMISSIONER VALDIVIA: Yes.
24 ACTING CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 ACTING CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4

5 **CONSENT AGENDA:**

6

7 (1) Resolution Approving the Payment of Claims

8 (2) Resolution Approving the Payment of

9 Concurring Claims

10 (3) Resolution Approving the City Payroll for
11 the Period of July 16, 2014 through July 29, 2014

12 (4) Resolution Approving the Library Payroll
13 for the Period of July 16, 2014 through July 29,
14 2014

15 (5) Resolution Approving Specifications and
16 Authorizing the Clerk to Advertise and Accept
17 Bids for Football Equipment, Supplies and
18 Trophies - 2014

19 (6) Resolution to Approve the Purchase of
20 Police Vehicles

21 (7) Resolution to Approve Contract for Purchase
22 and Installation of 3 Panasonic Toughbook
23 Computers in Police Vehicles

24 (8) Resolution to Approve Contract for Purchase
25 and Installation of Emergency Equipment in 3

1 Police Vehicles

2 (9) Resolution to Approve Contract for

3 Installation of Emergency Lighting on Office of

4 Emergency Management Vehicles and Police

5 Department Buses

6 (10) Resolution Authorizing the Award of

7 Contract to Aspen Landscaping Contracting, Inc.

8 for the 2014 CDA Tree Planting Program

9 (11) Resolution Authorizing the Award of

10 Contract to Adamo Brothers for the 2014 CDA

11 Sidewalk Program

12 (12) Resolution Authorizing the Award of

13 Contract to A&J Contractors for the 2014 CDA Road

14 Program

15 (13) Resolution to Approve Contract for Repairs

16 of Four (4) Elgin Pelican Sweepers

17 (14) Resolution Approving and Accepting State

18 Fiscal Year 2013 Corrective Action Plan

19 (15) Resolution Authorizing Emergency Temporary

20 Appropriation

21 (16) Resolution Accepting Homeland Security

22 Emergency Management Performance Grant

23 (17) Resolution Authorizing the Planning Board

24 of the City of Union City to Conduct a

25 Preliminary Investigation and Report to the Board

1 of Commissioners to Determine Whether Block 210,
2 Lots 11-16 is a Redevelopment Area Pursuant to
3 N.J.S.A. 40A:12A-6

4 (18) Resolution Authorizing Refund of Redemption
5 Monies to Outside Lienholders

6 (19) Resolution Authorizing the Refund of
7 Premium Monies Collected at the Tax Sale

8 (20) Resolution to Authorize the Tax Collector
9 to Cancel the Tax Sale Certificate #14-317 Sold
10 in Error for Property Address - 528-26th Street,
11 Block 148, Lot 13

12 (21) Any other matter of City business that may
13 arise

14

15 ACTING CITY CLERK: Next item is Consent
16 Agenda. There are 20 items on the Consent
17 Agenda.

18 First item is a Resolution Approving the
19 Payments of Claims.

20 Second item.

21 Resolution Approving the Payment of
22 Concurring Claims.

23 Third item is Resolution Approving the City
24 Payroll for the Period of July 16, 2014 through
25 July 29, 2014.

1 Item 4.

2 Resolution Approving the Library Payroll
3 for the Period of July 16, 2014 through July 29,
4 2014.

5 Item 5.

6 Resolution Approving Specifications and
7 Authorizing the Clerk to Advertise and Accept
8 Bids for Football Equipment, Supplies and
9 Trophies for 2014.

10 Item 6.

11 Resolution to Approve the Purchase of
12 Police Vehicles.

13 Number 7.

14 Resolution to Approve Contract for Purchase
15 and Installation of three Panasonic Toughbooks
16 Computer in Police Vehicles.

17 Item 8.

18 Resolution to Approve Contract for Purchase
19 and Installation of Emergency Equipment in three
20 Police Vehicle.

21 Item 9.

22 Resolution to Approve Contract for
23 Installation of Emergency Lighting on Office of
24 Emergency Management Vehicles and Police
25 Department Buses.

1 Item 10.

2 Resolution Authorizing the Award of
3 Contract to Aspen Landscaping Contracting, Inc.
4 for the 2014 CDA Tree Planting Program.

5 Item 11.

6 Resolution Authorizing the Award of
7 Contract to Adamo Brothers for the 2014 CDA
8 Sidewalk Program.

9 Item 12.

10 Resolution Authorizing the Award of
11 Contract to A and J Contractors for the 2014 CDA
12 Road Program.

13 Item 13.

14 Resolution to Approve Contract for Repairs
15 of Four Elgin Pelican Sweepers.

16 Item 14.

17 Resolution Approving and Accepting State
18 Fiscal Year 2013 Corrective Action Plan.

19 Item 15.

20 Resolution Authorizing Emergency Temporary
21 Appropriation.

22 Item 16.

23 Resolution Accepting Homeland Security
24 Emergency Management Performance Grant.

25 Item 17.

1 Resolution Authorizing the Planning Board
2 of the City of Union City to Conduct a
3 Preliminary Investigation and Report to the Board
4 of Commissioners to Determine whether Block 210,
5 Lot 11 to 16 is a Redevelopment Area Pursuant to
6 N.J.S.A. 40A:12A-6.

7 Item 18 is Resolution Authorizing Refund of
8 Redemption Money to Outside Lienholders.

9 Item 19 is Resolution Authorizing the
10 Refund of Premium Monies Collected at Tax Sale.

11 Item 20.

12 Resolution to Authorize the Tax Collector
13 to Cancel the Tax Sale Certificate number 14-317
14 Sold in Error for Property Address 528-26th
15 Street, Block 148, Lot 13.

16 Mayor, would you like to take public
17 comment at this time?

18 MAYOR STACK: Sure.

19 Anyone wishing to comment at this time,
20 please state your name and address for the
21 record.

22 Right over here.

23 MS. DILLON: Just right at the end.

24 MR. PRICE: Larry Price, 1006 Palisade.

25 Item number 17, there -- redevelopment

1 information.

2 What address is that?

3 MAYOR STACK: Do you have the address?

4 ACTING CITY CLERK: Yeah.

5 MS. de los RIOS: It was the Saint John's

6 --

7 MR. PRICE: What's that?

8 MS. DILLON: Can you speak up please?

9 MS. de los RIOS: The Saint John's Lutheran
10 Church Monastery I believe it is.

11 It's on the corner of Palisades.

12 MR. PRICE: And 15th?

13 MAYOR STACK: The property --

14 MR. PRICE: 15th?

15 MAYOR STACK: Yeah, the property in the
16 rear.

17 MR. PRICE: Okay.

18 Okay, they have an application -- they just
19 were approved by the Zoning Board for -- and
20 you're going to do a redevelopment?

21 MAYOR STACK: We're looking at it. We're
22 not saying we're going to do it. We're actually
23 studying it.

24 MR. PRICE: But only Saint John and the
25 property --

1 MAYOR STACK: It basically be the
2 property --

3 MS. de los RIOS: Yes.

4 MAYOR STACK: -- in the rear.

5 MR. PRICE: Which is the Parish House
6 now --

7 MAYOR STACK: Right.

8 MR. PRICE: -- at Saint John's.

9 MAYOR STACK: Exactly.

10 Anyone else on the Consent Agenda; please
11 step forward, state your name and address for the
12 record.

13 Seeing none.

14 ACTING CITY CLERK: Is there a motion to
15 close public comment?

16 COMMISSIONER MARTINETTI: Motion.

17 COMMISSIONER FERNANDEZ: Motion.

18 ACTING CITY CLERK: Motion made by
19 Commissioner Martinetti.

20 COMMISSIONER VALDIVIA: Second.

21 ACTING CITY CLERK: Second by Commissioner
22 Fernandez.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 ACTING CITY CLERK: Commissioner Rivas?

2 COMMISSIONER RIVAS: Yes.

3 ACTING CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Yes.

5 ACTING CITY CLERK: Commissioner

6 Martinetti?

7 COMMISSIONER MARTINETTI: Yes.

8 ACTING CITY CLERK: Mayor Stack?

9 MAYOR STACK: Yes.

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

12 MAYOR STACK: Motion.

13 COMMISSIONER VALDIVIA: Second.

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

16 Second by Commissioner Valdivia.

17 Roll call.

18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes with the
20 exception of number 2 as it pertains to the Union
21 City Redevelopment Agency; there's one item
22 there.

23 Otherwise, yes.

24 ACTING CITY CLERK: Item 20?

25 COMMISSIONER FERNANDEZ: On Concurring.

1 ACTING CITY CLERK: Oh, okay.

2 COMMISSIONER FERNANDEZ: Number 2,
3 Concurring.

4 ACTING CITY CLERK: I'm sorry. Okay.

5 Commissioner Fernandez recusing from item
6 2, Consent Agenda.

7 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

17 **REGULAR AGENDA:**

18

19 1. Resolution Approving the Redevelopment
20 Agency Payroll for the Period of July 16, 2014
21 through July 29, 2014

22

23 ACTING CITY CLERK: Next item is the
24 Regular Agenda.

25 First item is the Resolution Approving the

1 Redevelopment Agency Payroll of the Period of
2 July 16, 2014 through July 29, 2014.

3 MAYOR STACK: I'll move it.

4 ACTING CITY CLERK: Commissioner -- Mayor
5 Stack.

6 COMMISSIONER VALDIVIA: Second.

7 ACTING CITY CLERK: Commissioner Valdivia.
8 Roll call.

9 Commissioner Fernandez?

10 MS. de los RIOS: We ask that
11 Commissioner --

12 COMMISSIONER FERNANDEZ: I recuse. I
13 recuse.

14 MS. de los RIOS: -- Fernandez recuse.

15 ACTING CITY CLERK: Okay, Commissioner
16 Fernandez recusing.

17 Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Commissioner
22 Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 ACTING CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1

2 **REGULAR AGENDA:**

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4 2. Resolution Approving Payment to the Hudson
5 County Improvement Authority

6

7 ACTING CITY CLERK: Second item is a
8 Resolution Approve Payment to the Hudson County
9 Improvement Authority.

10

MS. de los RIOS: Again, we ask that
11 Commissioner Martinetti and Commissioner Rivas
12 recuse.

13

MAYOR STACK: I'll move it.

14

COMMISSIONER FERNANDEZ: Second.

15

ACTING CITY CLERK: Motion made by Mayor
16 Stack.

17

Second by Commissioner Fernandez.

18

Roll call.

19

Commissioner Fernandez?

20

(No verbal response,)

21

ACTING CITY CLERK: Commissioner Rivas;
22 recusing.

23

Commissioner Valdivia?

24

COMMISSIONER VALDIVIA: Yes.

25

ACTING CITY CLERK: Commissioner

1 Martinetti; recusing.

2 Mayor Stack?

3 MAYOR STACK: Yes.

4

5 **REGULAR AGENDA:**

6

7 3. Resolution Approving Payment to the Hudson
8 Regional Health Commission

9

10 ACTING CITY CLERK: Third item is a
11 Resolution Approving Payment to the Hudson
12 Regional Health Commission.

13 MAYOR STACK: I'll move it.

14 COMMISSIONER VALDIVIA: Second.

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

17 Second by Commissioner Valdivia.

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 **REGULAR AGENDA:**

7

8 4. Resolution Authorizing Payment to the Union
9 City Board of Education

10

11 ACTING CITY CLERK: Item 4.

12 Resolution Authorizing Payment to the Union
13 City Board of Education.

14 MAYOR STACK: I'll move it.

15 COMMISSIONER RIVAS: I'll second.

16 COMMISSIONER FERNANDEZ: For the record,
17 myself, Lucio Fernandez, Commissioner, I'm
18 recusing for number 4, 5, 6 and 7, as it pertains
19 to the Union City Board of Education.

20 ACTING CITY CLERK: Second? Did I get a
21 second?

22 Commissioner Valdivia?

23 MS. de los RIOS: Actually, Commissioner
24 Valdivia has to --

25 COMMISSIONER MARTINETTI: Recusing.

1 MS. de los RIOS: -- recuse as well.

2 ACTING CITY CLERK: Commissioner Valdivia;
3 recusing.

4 Yes.

5 Commissioner Fernandez; recusing.

6 Commissioner Rivas?

7 MS. de los RIOS: Four or five -- I
8 think --

9 MAYOR STACK: Somebody --

10 MS. de los RIOS: I think --

11 MAYOR STACK: -- either Commissioner
12 Martinetti --

13 MS. de los RIOS: I think --

14 MAYOR STACK: -- or Commissioner --

15 COMMISSIONER VALDIVIA: I have to vote on
16 it.

17 MAYOR STACK: -- Valdivia have to consider
18 the --

19 COMMISSIONER MARTINETTI: Yeah.

20 MAYOR STACK: -- consider voting.

21 COMMISSIONER VALDIVIA: I always --

22 MAYOR STACK: Item of necessity.

23 COMMISSIONER MARTINETTI: Yes.

24 COMMISSIONER VALDIVIA: Out of necessity, I
25 vote.

1 MS. de los RIOS: Okay.

2 COMMISSIONER MARTINETTI: So, it's
3 Commission Valdivia, Commissioner Fernandez and
4 myself recuse and --

5 MS. de los RIOS: From 4, 5, 6 and 7.

6 COMMISSIONER MARTINETTI: Yes.

7 MS. de los RIOS: On 4, 5, 6 and 7 they
8 recuse.

9 ACTING CITY CLERK: Commissioner Fernandez
10 and Commissioner Martinetti.

11 COMMISSIONER VALDIVIA: Martinetti.

12 I vote.

13 ACTING CITY CLERK: Right.

14 Commissioner --

15 COMMISSIONER RIVAS: Yes.

16 ACTING CITY CLERK: Commissioner Rivas?

17 Yes.

18 Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 ACTING CITY CLERK: Yes.

21 Commissioner Martinetti; recusing.

22 Mayor Stack?

23 MAYOR STACK: Yes.

24

25 **REGULAR AGENDA:**

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5. Resolution Approving Shared Service
Agreement with the Union City Board of Education
for School Resource Officers for 2014-2015

ACTING CITY CLERK: Item 5.

Resolution Approving Shared Service
Agreement with the Union City Board of Education
for School Resource Officers for 2014 to 2015.

MAYOR STACK: I'll move it.

ACTING CITY CLERK: Mayor Stack.

COMMISSIONER RIVAS: I'll second.

ACTING CITY CLERK: Second; Commissioner
Rivas.

Commissioner Fernandez; recusing.

Commissioner Rivas?

COMMISSIONER RIVAS: Yes.

ACTING CITY CLERK: Commissioner Valdivia?

COMMISSIONER VALDIVIA: Yes.

ACTING CITY CLERK: Commissioner
Martinetti; recusing.

Mayor Stack?

MAYOR STACK: Yes.

REGULAR AGENDA:

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6. Resolution Approving Shared Service Agreement with the Union City Board of Education for Additional Police Officers Services for 2014-2017

ACTING CITY CLERK: Item 6 is Resolution Approving Shared Service Agreement with the Union City Board of Education for Additional Police Officers Services for 2014 through 2017.

MAYOR STACK: I'll move it.

ACTING CITY CLERK: Is there a motion?

MAYOR STACK: I'll move it.

COMMISSIONER RIVAS: I'll second it.

The Mayor --

ACTING CITY CLERK: Motion --

COMMISSIONER RIVAS: -- is the motion.

ACTING CITY CLERK: Mayor Stack.

Second by Commissioner Rivas.

Commissioner Fernandez; recusing.

Commissioner Rivas?

COMMISSIONER RIVAS: Yes.

ACTING CITY CLERK: Commissioner Valdivia?

COMMISSIONER VALDIVIA: Yes.

ACTING CITY CLERK: Commissioner

1 Martinetti; recusing.

2 Mayor Stack?

3 MAYOR STACK: Yes.

4

5 **REGULAR AGENDA:**

6

7 7. Resolution Approving Shared Service
8 Agreement with the Union City Board of Education
9 for the Crossing Guard Services for 2014-2015

10

11 ACTING CITY CLERK: Item 7.

12 Resolution Approving Shared Service
13 Agreement with the Union City Board of Education
14 for the Crossing Guard Services for 2014-2015.

15 MAYOR STACK: I'll move it.

16 ACTING CITY CLERK: Mayor Stack.

17 COMMISSIONER RIVAS: I'll second it.

18 ACTING CITY CLERK: Commissioner Rivas.

19 Roll call.

20 Commissioner Fernandez; recusing.

21 Commissioner Rivas?

22 COMMISSIONER RIVAS: Yes.

23 ACTING CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 ACTING CITY CLERK: Commissioner

1 Martinetti; recusing.

2 Mayor Stack?

3 MAYOR STACK: Yes.

4

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

6

7 ACTING CITY CLERK: Mayor, do you wish to
8 take public comment at this time --

9 MAYOR STACK: Sure.

10 ACTING CITY CLERK: -- on the --

11 MAYOR STACK: Anyone wishing to address the
12 Board --

13 ACTING CITY CLERK: -- Regular Agenda?

14 MAYOR STACK: -- at this time on any matter
15 concerning public interest in Union City, please
16 step forward.

17 MR. PRICE: Larry Price. Larry Price, 1006
18 Palisade.

19 There was an Ordinance introduced at the
20 last meeting to amend the Zoning Ordinance of the
21 City to be heard tonight. There was a public
22 notice in the paper to the same effect. But it's
23 not on the agenda.

24 MAYOR STACK: I believe it's being held, Mr.
25 Price, until the next meeting.

1 Monica, do you have more information?

2 MS. de los RIOS: Kara can speak on that
3 issue.

4 MAYOR STACK: Kara?

5 MS. KACZYNSKI: Yes, Mr. Price, --

6 MAYOR STACK: Maybe you can just step
7 forward? Just state your name and address --

8 MS. KACZYNSKI: Absolutely.

9 MAYOR STACK: -- name of the firm.

10 MS. KACZYNSKI: Kara Kaczynski, Scarinci
11 Hollenbeck.

12 Yes, Mr. Price, it was pulled because we
13 recently got the court order, as you know mid-
14 June. So we wanted to take a look at it in light
15 of the court order and see if we needed to make
16 any changes.

17 MAYOR STACK: Thank you.

18 MR. PRICE: But it's definitely for next
19 meeting? Or --

20 MAYOR STACK: If not the next meeting,
21 probably the meeting right after that.

22 MR. PRICE: Very good.

23 MAYOR STACK: If not in two weeks, within a
24 month.

25 Anyone else that would like to address the

1 Board at this time?

2 Okay, seeing no other.

3 Motion.

4 ACTING CITY CLERK: Motion to close public
5 comment; --

6 COMMISSIONER FERNANDEZ: Second.

7 ACTING CITY CLERK: -- Mayor Stack.

8 Second by Commissioner Fernandez.

9 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 **PROCLAMATION HONORING SHANE HARNETT:**

23

24 COMMISSIONER FERNANDEZ: At this point, Mr.
25 Clerk, we would like to present a proclamation to

1 Mr. Shane Harnett.

2 ACTING CITY CLERK: Okay.

3 Shane?

4 COMMISSIONER FERNANDEZ: Mr. Harnett?

5 ACTING CITY CLERK: Come on over.

6 MAYOR STACK: You going to read it?

7 COMMISSIONER FERNANDEZ: Yeah.

8 MAYOR STACK: Why don't you just state what
9 this is for just so everyone knows what's going
10 on.

11 COMMISSIONER FERNANDEZ: This proclamation
12 is being presented by Mr. Harnett -- to Mr.
13 Harnett on behalf of the Union City High School
14 students who recommended him to be honored in
15 this way. And we're happy to oblige in this
16 case.

17 Thank you very much and congratulations,
18 sir.

19 MAYOR STACK: I'd just also like to
20 congratulate you.

21 And I think it's great that the students
22 are the ones that came forward -- I believe
23 reached out for me originally, then I put them in
24 contact with Commissioner Fernandez and wanted
25 your work recognized. And I think that's really

1 | important -- the education that's provided in
2 | Union City is outstanding and wonderful and I
3 | think it's great that we recognize somebody of
4 | your stature in our school system.

5 | Thank you very much.

6 | MR. HARNETT: Thank you, sir.

7 | COMMISSIONER FERNANDEZ: And --

8 | COMMISSIONER RIVAS: Congratulations.

9 | COMMISSIONER FERNANDEZ: -- the
10 | proclamation reads as follows.

11 | Whereas, the City of Union City is pleased
12 | to honor Shane Harnett on behalf of the Union
13 | City High School student body; and

14 | Whereas, Shane Harnett has made significant
15 | contributions to the betterment of the City of
16 | Union City by providing exemplary leadership as
17 | an educator; and

18 | Whereas, Shane Harnett was born in
19 | Limerick, Ireland, he and his family moved to
20 | New Jersey in May of 1987. He attended Montclair
21 | State University where he graduated with a
22 | Bachelor's degree in business education from
23 | Montclair State University. Considering himself
24 | a project-based educator, he's facilitated his
25 | students with ability to think outside of the

1 classroom walls with real-world learning
2 experiences that would last a lifetime. As a
3 cancer survivor he finds great joy in watching
4 students, colleagues and family members join
5 together to celebrate and fight back the disease.
6 Shane Harnett was also responsible for raising a
7 hundred thousand dollars for the high school's
8 Relay for Life, giving the students an
9 opportunity to visit the DECA International
10 Career Development Conference, and make sure that
11 all football games had students selling
12 merchandise to fundraise for the school. Among
13 many other activities that he heads, his time as
14 a high school teacher has been extremely
15 rewarding and fulfilling confirming his decision
16 to become an educator and is graceful to welcome
17 into a great community like Union City.

18 Whereas, the City of Union City is honored
19 and proud of Shane Harnett's many
20 accomplishments, his achievements are hereby
21 lauded and recognized.

22 Now, therefore be it resolved, that Brian
23 P. Stack, Mayor of the City of Union City, and
24 the Union City Board of Commissioners, do hereby
25 honor Mr. Shane Harnett.

1 Congratulations, sir.

2 (Applause.)

3 (Whereupon, there was a pause in the
4 proceedings while photographs were taken.)

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1 **CONTINUATION OF LIQUOR LICENSE PROCEEDINGS:**

2

3 1. Manhattan Bar & Grill Restaurant, 1711
4 Manhattan Avenue, Liquor License Number
5 0910-33-188-004 (Continuation of Renewal Hearing)

6 2. Mayen Corp. t/a El Trebol, 3204 Bergenline
7 Avenue, Liquor License Number 0910-33-190-008
8 (Decision)

9 3. Park Avenue Bar & Grill, LLC t/a Park
10 Avenue Bar & Grill, 3417 Park Avenue, Liquor
11 License Number 0910-33-119-004 (Incomplete no
12 copy of Application)

13

14 MAYOR STACK: Mr. Farmer?

15 ACTING CITY CLERK: Next on the agenda we
16 have license proceedings.

17 Mr. Farmer?

18 MAYOR STACK: Mr. Farmer?

19 Can we just check and see where Mr. Farmer
20 went?

21 ACTING CITY CLERK: No, here he comes.

22 Here he comes.

23 COMMISSIONER FERNANDEZ: Ladies and
24 gentlemen, we're going to have liquor
25 disciplinary hearings. You're free to stay, if

1 | you want to stay; if not, you can take off and
2 | enjoy your beautiful day.

3 | Join us up town for the National Night Out
4 | Against Crime; okay?

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

7 | MAYOR STACK: Okay, Greg.

8 | MR. FARMER: Okay.

9 | MS. DILLON: Mr. Farmer, just over by --

10 | MAYOR STACK: Just right over here, Greg.

11 | MR. FARMER: Good evening, Mayor and Board
12 | members.

13 | We have three matters on the calendar.

14 | * * *

15 |

16 | **MAYEN CORP. t/a EL TREBOL, 3204 Bergenline**
17 | **Avenue;**

18 | **Liquor License Number 0910-33-19-008:**

19 |

20 | MR. FARMER: One is your decision with
21 | respect to El Trebol; that's the underage
22 | drinking case. All the testimony's been in;
23 | you've viewed everything; all the questions have
24 | been answered, so it's your decision.

25 | * * *

1 **MANHATTAN BAR & GRILL RESTAURANT, 1711 Manhattan**
2 **Avenue;**
3 **Liquor License Number 0910-33-188-004:**
4

5 MR. FARMER: The second one is Manhattan
6 Bar & Grill. And with respect to Manhattan Bar &
7 Grill, I'd like to caucus that.

8 The attorney for the licensee is here; Mr.
9 Diaz. He's talking to a woman who is running the
10 place. Just off -- since we're talking about it,
11 I might as well express this.

12 The State has come in and earlier in July
13 we received charges -- a number of charges from
14 the State. And they said they're going to be the
15 subject to a suspension of a hundred days,
16 hundred and thirty days.

17 MS. DILLON: Can you keep your voice up,
18 Mr. Farmer?

19 MR. FARMER: Yeah.

20 So let's see how that plays out. But in
21 any event, that's what they did.

22 It also appears that -- if you may recall
23 when we were here last time -- the woman
24 indicated that she was running the place, that
25 she also had an arrangement where she was paying

1 the owner and all that kind of stuff.

2 It appears that, number one, the property
3 is owned by 711 Manhattan Avenue, LLC. The LLC
4 is the person who is the Roberto Rodriguez who
5 testified here today.

6 Surprisingly enough, Officer Dunlay told me
7 that that's the person who was -- is the son of
8 the Roberto Rodriguez of all the trouble in
9 La Berraquera.

10 All right? Okay.

11 COMMISSIONER MARTINETTI: Oh, okay.

12 MR. FARMER: Which doesn't seem to be in
13 operation anymore.

14 But getting back to this.

15 That the LLC is owned by Rodriguez. It
16 also appears that there is a legitimate legal
17 transaction going on between buyer's attorney,
18 who is Mr. Jiminez (phonetic) and the seller's
19 attorney, who is Mr. Diaz.

20 They have filed, as I understand, just now
21 an application to alter the corporate structure
22 of the corporation that owns the license. It
23 appears that the woman is going to buy the stock
24 of the corporation.

25 If that be the case, the violation itself

1 is not a substantial violation. And, as a matter
2 of fact, the recommendation is one day.

3 And I would suggest this, that -- I'm in
4 the process of talking to Mr. Diaz about the real
5 problem, as I see it, is the hours and the noise.
6 And I'm talking to him and maybe if I could have
7 five or ten minutes to see whether or not we can
8 come up with a schedule that after a certain hour
9 there's no more, no music, no nothing. We're
10 kind of working on that.

11 But as far as all the disciplinary stuff
12 and the woman being -- running the business and
13 all that kind of stuff, I think we ought to just
14 defer it to the State, let the State --

15 MAYOR STACK: Okay.

16 MR. FARMER: -- handle it.

17 And what I'll do is I'll write them a
18 letter telling them and expressing to them that
19 it's the Union City Board's policy to always look
20 for a suspension, as opposed to a fine. And we
21 would appreciate in their process -- prosecuting
22 it and get to a final resolution that that
23 suspension be a suspension.

24 MAYOR STACK: And defer it to the State
25 only for the reason that they have their own set

1 of charges?

2 MR. FARMER: They have their own set of
3 charges.

4 I have them right here.

5 MAYOR STACK: Okay.

6 MR. FARMER: They were delivered last time.

7 MAYOR STACK: Normally --

8 MR. FARMER: Dominick got them --

9 MAYOR STACK: Normally I wouldn't defer
10 unless they have their set of charges.

11 MR. FARMER: Yeah, they've already started.

12 MAYOR STACK: Okay.

13 MR. FARMER: They've already filed. And
14 they've already put a kind of plea on --

15 MAYOR STACK: Did you represent that --
16 that they would be willing to close earlier?

17 MR. FARMER: Well, what I'm saying is the
18 music.

19 The situation is if I could have some time
20 to talk to Mr. Diaz and see whether or not we
21 could work out hours.

22 * * *

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1 **PARK AVENUE BAR & GRILL, LLC t/a PARK AVENUE BAR**
2 **& GRILL, 3417 Park Avenue:**
3 **Liquor License Number 0910-33-119-004:**
4

5 MR. FARMER: And also we have the situation
6 -- third one is Park -- Park Avenue Bar and
7 Grill.

8 The licensee is here. He doesn't have an
9 attorney. He just kind of got the notice, which
10 is true. And I don't know what he wants, except
11 that I put forth the plea that we normally do on
12 a paper violation. That's what it is.

13 Police Officer's here.

14 MAYOR STACK: When did they get the
15 charges?

16 MR. FARMER: They got them -- they got them
17 -- because I was asked to put them on -- right
18 when Christine Vanek got sworn in. When I was
19 down there, somebody came --

20 MAYOR STACK: So about a week ago?

21 MR. FARMER: Yeah.

22 MAYOR STACK: So what --

23 MR. FARMER: So, I indicated to the
24 licensee we'll do whatever he wants.

25 If he wants to put it off to get a lawyer,

1 that's fine.

2 MAYOR STACK: Right.

3 MR. FARMER: If he wants to talk to the
4 police officer, that's fine.

5 * * *

6

7 **MANHATTAN BAR & GRILL RESTAURANT, 1711 Manhattan**
8 **Avenue;**

9 **Liquor License Number 0910-33-188-004:**

10

11 MAYOR STACK: On 1711 Manhattan Avenue,
12 just to jump back to Manhattan Bar and Grill.

13 MR. FARMER: Okay.

14 MAYOR STACK: You want to put that on for
15 the next meeting then or are you going to be able
16 to --

17 MR. FARMER: Well, Mr. Diaz is here
18 representing the licensee.

19 MR. DIAZ: Correct.

20 MR. FARMER: Okay.

21 MS. KACZYNSKI: Can I just ask one quick
22 question?

23 MR. FARMER: Yeah.

24 MS. KACZYNSKI: When you say the licensee,
25 you represent Manhattan Bar and Grill, --

1 MR. DIAZ: Correct.

2 MS. KACZYNSKI: -- LLC.

3 MR. DIAZ: Correct.

4 MS. KACZYNSKI: Not Mr. Villa?

5 MR. DIAZ: The entity.

6 MS. KACZYNSKI: Yeah. Okay.

7 MR. FARMER: Yeah, that'd be fine. And
8 maybe we can work out some hours.

9 MAYOR STACK: All right. So, we'll put
10 this on to the next meeting.

11 When is our next meeting?

12 ACTING CITY CLERK: The --

13 MAYOR STACK: When is the next meeting,
14 Dominick?

15 ACTING CITY CLERK: It's the 19th. Right.

16 MAYOR STACK: All right.

17 So, we'll put that on for August 19th;
18 Manhattan Bar and Grill.

19 Park Avenue Bar and Grill; we're going to
20 put that on for August 19th to give them an
21 opportunity to get an attorney.

22 MR. FARMER: Okay.

23 MAYOR STACK: And the last one is El
24 Trebol.

25 MR. FARMER: Right.

1 MAYOR STACK: And that's for a decision.

2 MR. FARMER: Right.

3 MAYOR STACK: Okay. All right. No
4 problem.

5 All right, you want to speak to -- you want
6 to speak to Mr. Diaz then?

7 You'll work it out over the next --

8 MR. FARMER: I'll work it out --

9 MAYOR STACK: Okay. That's fine.

10 MR. FARMER: -- over the couple of weeks.

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1 **MAYEN CORP. t/a EL TREBOL, 3204 Bergenline**
2 **Avenue;**
3 **Liquor License Number 0910-33-190-008:**
4

5 MR. FARMER: Mr. Gonzalez is here for the
6 licensee.

7 MAYOR STACK: Okay.

8 MR. FARMER: The recommended suspension on
9 this was, Greg?

10 What do we normally give other
11 establishments for this type of offense?

12 MR. FARMER: Ten days.

13 MAYOR STACK: Ten days.

14 Has there been any less given?

15 Because I remember --

16 MR. FARMER: Yes. There have been less
17 given.

18 MAYOR STACK: What have that been? What
19 have the lesser been?

20 MR. FARMER: I mean under the circumstances
21 should be always a weekend.

22 MAYOR STACK: Okay.

23 MR. FARMER: Seven days, maybe -- maybe
24 five.

25 MAYOR STACK: Okay.

1 MR. FARMER: That's the lowest I think
2 we've ever gone.

3 MR. GONZALEZ: Well, I think I can answer
4 that. And just for the record, --

5 MS. DILLON: Would you just --

6 MR. GONZALEZ: Yes.

7 MS. DILLON: -- step over to that mic over
8 there.

9 MR. GONZALEZ: That one? Okay.

10 MS. DILLON: Thank you.

11 MR. GONZALEZ: For the record, Ramon
12 Gonzalez, G-O-N-Z-A-L-E-Z, firm Gonzalez and
13 Caride, on behalf of the license holder.

14 I think there was testimony that was
15 brought out -- because I OPRA'd every license
16 establishment in Union City and what the
17 penalties were for each one. And they range from
18 no suspension, went to one, two, three days.
19 There some that were seven days. There were some
20 that were ten days.

21

22 (Whereupon, Commissioner Valdivia left the
23 meeting at 5:26 p.m.)

24

25 MAYOR STACK: How many years was this?

1 MR. GONZALEZ: How many years?

2 MAYOR STACK: How -- over what period of
3 time?

4 MR. GONZALEZ: From 1993 to present.

5 MAYOR STACK: Yeah, it's a much different
6 time; but go ahead.

7 MR. FARMER: But if I could just address
8 that?

9 One of the problems you have when you have
10 somebody who is under age drinking, --

11 MAYOR STACK: Right.

12 MR. FARMER: -- is there availability.

13 MAYOR STACK: Right.

14 MR. FARMER: You know?

15 Whatever those -- they're all fact-
16 sensitive these cases. But if it was a dismissal
17 there'd be you couldn't find the kid. And
18 therefore since you couldn't find the kid, you
19 didn't have any testimony, didn't have any
20 testimony, didn't have any case.

21 MAYOR STACK: The prior record on this
22 establishment, how has it been since this
23 gentleman owns it?

24 MR. FARMER: The prior record is good.
25 This is the one --

1 MAYOR STACK: Okay.

2 MR. FARMER: -- where there was some
3 concern about a resolution and a dismissal of a
4 charge.

5 And that really dealt with two guys who
6 apparently were friends watching a soccer game or
7 baseball game, one guy goes into the restroom and
8 the other guy followed. Somehow they get into
9 an --

10 MAYOR STACK: This was the question that we
11 had from the last meeting, --

12 MR. FARMER: Yeah.

13 MAYOR STACK: -- right?

14 MR. FARMER: Yeah.

15 MAYOR STACK: You were unsure --

16 MR. FARMER: Yeah.

17 MAYOR STACK: -- why that charge was left
18 open.

19 MR. FARMER: And it was dismissed because
20 there was nothing the licensee could do about
21 that; unless he had a security guard in the
22 bathroom.

23 MAYOR STACK: Okay.

24 Just to guide the Board, Mr. Farmer, so
25 being that -- you're saying that the record

1 hasn't been -- hasn't been a bad record?

2 MR. FARMER: Has not been a bad record.

3 MAYOR STACK: So, just to give us some
4 guidance, on this suspension, where would that
5 leave us then?

6 Anywhere from where to where?

7 MR. FARMER: I think anywhere from five to
8 ten.

9 MAYOR STACK: Five to ten; all right.

10 MR. FARMER: You should recognize that the
11 recommended penalty from the State is 15.

12 MAYOR STACK: I understand. Okay.

13 I'll go -- I'll make a motion for a five
14 day suspension.

15 COMMISSIONER RIVAS: I'll second.

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

18 Second by Commissioner Rivas.

19 Roll call.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 ACTING CITY CLERK: Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 ACTING CITY CLERK: Commissioner Valdivia?

25 MS. de los RIOS: Has recused.

1 ACTING CITY CLERK: Has recused.

2 Commissioner Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 ACTING CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6 Okay.

7 Thank you very much.

8 MR. FARMER: Okay.

9 Thank you.

10 MR. GONZALEZ: All right.

11 MAYOR STACK: Thank you.

12 Thank you, Mr. Gonzalez. Thank you.

13 MAYOR STACK: Thank you, Mr. Farmer.

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

2

3 ACTING CITY CLERK: Mayor, we have no other
4 items on the agenda.

5 Would you wish to take public comment?

6 MAYOR STACK: Sure.

7 Anyone wishing to address the Board at this
8 time, please step forward, state your name and
9 address for the record.

10 Okay, seeing no other.

11 Thank you very much, everyone. Have a good
12 evening.

13

14 **ADJOURNMENT:**

15

16 COMMISSIONER RIVAS: Motion to --

17 ACTING CITY CLERK: Motion to adjourn?

18 MAYOR STACK: Motion.

19 COMMISSIONER MARTINETTI: Motion.

20 Second.

21 ACTING CITY CLERK: Motion by Commissioner
22 Rivas?

23 COMMISSIONER RIVAS: Yes.

24 ACTING CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 ACTING CITY CLERK: Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 ACTING CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12

13 (Whereupon, the proceedings were concluded
14 at 5:28 p.m.)

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1	_____	Brian P. Stack
2	_____	Lucio P. Fernandez
3	_____	Maryury A. Martinetti
4	_____	Celin J. 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, August 5, 2014, and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon