

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Colin Powell Elementary School
1500 New York Avenue
Union City, New Jersey

Tuesday, September 2, 2014
Commencing at 7:00 p.m.

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

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

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

TILO E. RIVAS, COMMISSIONER

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

DOMINICK CANTATORE, ACTING CITY CLERK

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

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

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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, September
4 2nd, 2014, at seven p.m., at the Colin Powell
5 Elementary School, 1500 New York Avenue, Union
6 City, New Jersey.

7 Everyone please rise for the Pledge of
8 Allegiance.

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

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 COMMISSIONER MARTINETTI: Here.

7 ACTING CITY CLERK: Commissioner Rivas;

8 absent.

9 MAYOR STACK: He's sick; Commissioner

10 Rivas.

11 ACTING CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Here.

13 ACTING CITY CLERK: Commissioner

14 Martinetti?

15 COMMISSIONER MARTINETTI: Here.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Here.

18

19 **APPROVAL OF PREVIOUS MEETING MINUTES OF JULY 11,**

20 **2014:**

21

22 ACTING CITY CLERK: First item is approval
23 of previous meeting minutes.

24 Motion must be duly made and seconded that
25 the meeting minutes of the Board of Commissioners

1 being held on July 11, 2014 be approved and
2 recorded.

3 COMMISSIONER VALDIVIA: Move it.

4 MAYOR STACK: I'll move it.

5 Second.

6 ACTING CITY CLERK: Motion made by
7 Commissioner Valdivia.

8 Second by Mayor Stack.

9 Roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 ACTING CITY CLERK: Commissioner Rivas;
13 absent.

14 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 **CONSENT AGENDA:**

23

24 (1) Resolution Approving the Payment of Claims

25 (2) Resolution Approving the Payment of

1 Concurring Claims

2 (3) Resolution Approving the City Payroll for
3 the Period of August 13, 2014 through August 26,
4 2014

5 (4) Resolution Approving the Library Payroll
6 for the Period of August 13, 2014 through August
7 26, 2014

8 (5) Resolution Authorizing Payment of Claim to
9 the Institute for Professional Development

10 (6) Resolution Authorizing the Payment of Claim
11 to the NJ Department of Environment (sic)
12 Protection

13 (7) Resolution Approving the 2014-2015 Renewal
14 of the Pebble Beach, Pocket Liquor License No.
15 0910-33-157

16 (8) Resolution Authorizing the Clerk to
17 Advertise and Accept Bids for Medical Supplies
18 for EMS 2014

19 (9) Resolution Authorizing the Award of a
20 Contract to Florio & Kenny, LLP for Special
21 Hearing Officer Services

22 (10) Resolution Authorizing the Award of a
23 Contract to Hallmark Real Estate Services, Inc.
24 for Tax Appeal Expert

25 (11) Resolution Authorizing the Award of a

1 Contract to O'Toole Fernandez Weiner Lieu, LLC
2 for Labor Counsel
3 (12) Resolution Authorizing the Award of a
4 Contract to Gregory T. Farmer, Esq. for Alcoholic
5 Beverage Control Prosecutor
6 (13) Resolution Authorizing the Award of a
7 Contract to Dario, Yacker, Suarez & Albert, LLC
8 for Legal Aide
9 (14) Resolution Authorizing the Award of a
10 Contract to Community Housing & Planning
11 Associates, Inc. for CDA Planning Consultant
12 Services
13 (15) Resolution Authorizing the Award of a
14 Contract to Marotta & Garvey for Tax Appeal
15 Counsel
16 (16) Resolution Authorizing the Award of a
17 Contract to Parker McCay, P.A. for Bond Counsel
18 (17) Resolution Authorizing the Award of a
19 Contract Dario, Yacker, Suarez & Albert, LLC for
20 Tenant Advocacy
21 (18) Resolution Approving State Contract with
22 Motorola for Police Radio System Maintenance and
23 Repair
24 (19) Resolution to Approve Contract for Repairs
25 to Fire Alarm System in City Hall

1 (20) Resolution Designating Loading Zone at 4105
2 Park Avenue in the City of Union City

3 (21) Resolution Authorizing Refund of Redemption
4 Monies to Outside Lienholders

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

7 (23) Any other matter of City business that may
8 arise

9

10 ACTING CITY CLERK: Next item is the
11 Consent Agenda.

12 The first item is Resolution Approving the
13 Payment of Claims.

14 Second item is a Resolution Approving the
15 Payment of Concurring Claims.

16 Third item is a Resolution Approving the
17 City Payroll the Period August 13, 2014 through
18 August 26, 2014.

19 Item 4.

20 Resolution Approving the Library Payroll
21 for the Period of August 13, 2014 through August
22 26, 2014.

23 Item fifth.

24 Resolution Authorizing Payment of Claim to
25 the Institute for Professional Development.

1 Item 6.

2 Resolution Authorizing the Payment of Claim
3 to the New Jersey Department of Environmental
4 Protection.

5 Item 7.

6 Resolution Approving the 2014-2015 Renewal
7 of the Pebble Beach, Pocket Liquor License number
8 0910-33-157.

9 Item 8.

10 Resolution Authorizing the Clerk to
11 Advertise and Accept Bids for Medical Supplies
12 for the EMS 2014.

13 Item 9.

14 Resolution Authorizing the Award of a
15 Contract to Florio and Kenny, LLP for Special
16 Hearing Officer Services.

17 Item 10.

18 Resolution Authorizing the Award of a
19 Contract to Hallmark Real Estate Services, Inc.
20 for Tax Appeal Expert.

21 Item 11.

22 Resolution Authorizing the Award of a
23 Contract to O'Toole Fernandez Weiner Lieu, LLC
24 for Labor Counsel.

25 Item 12.

1 Resolution Authorizing the Award of
2 Contract to Gregory T. Farmer, Esquire, for
3 Alcoholic Beverage Control Prosecutor.

4 Item 13.

5 Resolution Authorizing the Award of a
6 Contract to Dario, Yacker, Suarez and Albert, LLC
7 for Legal Aide.

8 Item 14.

9 Resolution Authorizing the Award of a
10 Contract to Community Housing and Planning
11 Associates, Inc. for CDA Planning Consultant
12 Services.

13 Item 15.

14 Resolution Authorizing the Award of a
15 Contract to Marotta and Garvey for Tax Appeal
16 Counsel.

17 Item 16.

18 Resolution Authorizing the Award of a
19 Contract to Parker McCay, P.A. for Bond Counsel.

20 Item 17.

21 Resolution Authorizing the Award of a
22 Contract Dario, Yacker, Suarez and Albert, LLC
23 for Tenant Advocacy.

24 Item 18.

25 Resolution Approving State Contract with

1 Motorola for Public (sic) Radio System
2 Maintenance and Repair.

3 Item 19.

4 Resolution to Approve Contract for Repairs
5 to Fire Alarm System in City Hall.

6 Item 20.

7 Resolution Designating Loading Zone at 4105
8 Park Avenue in the City of Union City.

9 Item 21.

10 Resolution Authorizing Refund of Redemption
11 Monies to Outside Lienholders.

12 Item 22.

13 Resolution Authorizing the Refund of
14 Premium Money Collected at Tax Sale.

15 MAYOR STACK: Anyone wishing to comment on
16 the Consent Agenda, please step forward.

17 Seeing none.

18 COMMISSIONER MARTINETTI: Second.

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

21 Second by Commissioner Martinetti.

22 Roll call.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Commissioner Rivas;

1 absent.

2 Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 ACTING CITY CLERK: Mayor Stack?

8 Is there a motion to approve all items on
9 the Consent Agenda?

10 COMMISSIONER VALDIVIA: Motion.

11 MAYOR STACK: Motion.

12 ACTING CITY CLERK: Motion made by

13 Commissioner Valdivia.

14 Second by Mayor Stack.

15 Roll call.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 ACTING CITY CLERK: Commissioner Rivas;

19 absent.

20 Commissioner Valdivia?

21 COMMISSIONER VALDIVIA: Yes.

22 ACTING CITY CLERK: Commissioner

23 Martinetti?

24 COMMISSIONER MARTINETTI: Yes.

25 ACTING CITY CLERK: Mayor Stack?

1 MAYOR STACK: Yes.

2

3 **REGULAR AGENDA:**

4

5 1. Resolution Approving the Redevelopment
6 Agency Payroll for the Period of August 13, 2014
7 through August 26, 2014

8

9 ACTING CITY CLERK: The next item is the
10 Regular Agenda.

11 The first item is Resolution Approving the
12 Redevelopment Agency Payroll for the Period of
13 August 13, 2014 through August 26, 2014.

14 COMMISSIONER MARTINETTI: Motion.

15 ACTING CITY CLERK: Motion made by
16 Commissioner Martinetti.

17 COMMISSIONER VALDIVIA: Second.

18 Second.

19 ACTING CITY CLERK: Second by Commissioner
20 Valdivia.

21 Roll call.

22 Commissioner Fernandez; recusing.

23 Commissioner Rivas is absent.

24 Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 ACTING CITY CLERK: Commissioner
2 Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 ACTING CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6

7 **REGULAR AGENDA:**

8

9 2. Resolution Authorizing Payment of Claim to
10 the County of Hudson

11

12 ACTING CITY CLERK: Second item is
13 Resolution Authorizing Payment of Claim to the
14 County of Hudson.

15 MAYOR STACK: I'll move it.

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

18 COMMISSIONER VALDIVIA: Second.

19 ACTING CITY CLERK: Second by Commissioner
20 Valdivia.

21 Roll call.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes.

24 ACTING CITY CLERK: Commissioner Rivas is
25 absent.

1 Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Commissioner
4 Martinetti; recusing.

5 Mayor Stack?

6 MAYOR STACK: Yes.

7

8 **REGULAR AGENDA:**

9

10 3. Resolution Authorizing Payment of Claim to
11 the Hudson County Improvement Authority

12

13 ACTING CITY CLERK: Third item is a
14 Resolution Authorizing Payment of Claim to the
15 Hudson County Improvement Authority.

16 MAYOR STACK: I'll move it.

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

19 COMMISSIONER VALDIVIA: Second.

20 ACTING CITY CLERK: Second by Commissioner
21 Valdivia.

22 Roll call.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Commissioner Rivas;

1 absent.

2 Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti; recusing.

6 Mayor Stack?

7 MAYOR STACK: Yes.

8

9 **REGULAR AGENDA:**

10

11 4. Resolution to Establish Temporary
12 Appropriations for Fiscal Year 2015 Budget

13

14 ACTING CITY CLERK: Fourth item.

15 Resolution to Establish Temporary

16 Appropriations for Fiscal Year 2015 Budget.

17 MAYOR STACK: I'll move it.

18 COMMISSIONER VALDIVIA: Second.

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

21 Second by Commissioner Valdivia.

22 Roll call.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Commissioner Rivas

1 is --

2 MS. de los RIOS: Excuse me?

3 ACTING CITY CLERK: -- absent.

4 MS. de los RIOS: Mayor?

5 ACTING CITY CLERK: Commissioner --

6 COMMISSIONER FERNANDEZ: Excuse me?

7 MS. de los RIOS: Sorry.

8 Mayor?

9 At this point we recommend that on four
10 items -- on the Contribution to Union City
11 Redevelopment Agency, the Division of Inspections
12 and CDA Operations, Sub-Code Electrical
13 Inspector, and Sub-Code Fire Inspector, for the
14 first that -- that Commissioner Fernandez recuse
15 himself because of the Redevelopment Agency.

16 And on the other three that Commissioner
17 Martinetti recuse herself.

18 MAYOR STACK: Okay.

19 COMMISSIONER FERNANDEZ: Just she's
20 recusing herself from two things?

21 MS. de los RIOS: On three.

22 The Division of Inspections and CDA
23 Operations, Sub-Code Electrical Inspector, and
24 Sub-Code Fire Inspector.

25 MAYOR STACK: You have three votes though,

1 right? With Commissioner Fernandez, myself and
2 Commissioner Valdivia.

3 MS. de los RIOS: Yeah.

4 ACTING CITY CLERK: Okay.

5 So, Commissioner Fernandez, --

6 MS. de los RIOS: And --

7 ACTING CITY CLERK: -- Commissioner
8 Valdivia, Mayor Stack.

9 MAYOR STACK: You got it.

10 MS. de los RIOS: And, also, we institute
11 the rule of necessity because we do need the
12 majority --

13 COMMISSIONER MARTINETTI: So, --

14 MS. de los RIOS: -- on this because it's
15 a --

16 COMMISSIONER MARTINETTI: So, do I have to
17 vote?

18 MS. de los RIOS: Um-hum.

19 ACTING CITY CLERK: So, --

20 Right.

21 COMMISSIONER MARTINETTI: So, we're voting?
22 I'm voting?

23 MS. de los RIOS: So, at this point, --

24 ACTING CITY CLERK: So, you're voting yes
25 but recusing on the --

1 COMMISSIONER MARTINETTI: On the three?

2 ACTING CITY CLERK: -- from the two --

3 MS. de los RIOS: Exactly.

4 ACTING CITY CLERK: -- on the three --

5 three items.

6 MS. de los RIOS: She can --

7 COMMISSIONER MARTINETTI: As noted by

8 counsel?

9 MAYOR STACK: Right.

10 ACTING CITY CLERK: Okay.

11 COMMISSIONER MARTINETTI: I have to vote

12 yes --

13 MAYOR STACK: You got -- you got --

14 ACTING CITY CLERK: So, --

15 MAYOR STACK: -- three votes; right,

16 Dominick?

17 MS. de los RIOS: You got three.

18 ACTING CITY CLERK: I got three votes; plus

19 Martinetti, she's recusing on the --

20 MAYOR STACK: Very good.

21 ACTING CITY CLERK: -- three items.

22 MS. DILLON: Mr. Clerk, may I ask you to

23 state what the vote is so it's clear in the

24 record?

25 MAYOR STACK: Right. Exactly.

1 MS. de los RIOS: Thank you.

2 MS. DILLON: State who's -- the vote.

3 ACTING CITY CLERK: Okay.

4 MS. de los RIOS: Go ahead.

5 MAYOR STACK: Let's make sure we have a
6 memo in advance from now on, so we can avoid
7 this. This way it can be noted in the record --

8 MS. de los RIOS: Um-hum.

9 MAYOR STACK: -- and be kept part of the
10 file.

11 ACTING CITY CLERK: The voting is
12 Commissioner Fernandez, Commissioner Valdivia,
13 Mayor Stack, Commissioner Martinetti, --

14 COMMISSIONER MARTINETTI: With the
15 exception of --

16 ACTING CITY CLERK: -- with the exception
17 of three items on the Appropriation for Fiscal
18 Year 2015 Budget.

19 MS. DILLON: And they're all aye votes.

20 MAYOR STACK: And list those items.

21 COMMISSIONER MARTINETTI: Electrical --

22 ACTING CITY CLERK: You have those in front
23 of you?

24 MS. de los RIOS: Yeah, --

25 ACTING CITY CLERK: Please.

1 MS. de los RIOS: -- I sure do.

2 They are the Division of Inspections and
3 CDA Operations, Sub-Code Electrical Inspector,
4 and Sub-Code Fire Inspector.

5 COMMISSIONER MARTINETTI: Fire.

6 MS. DILLON: Thank you.

7 COMMISSIONER MARTINETTI: Thank you,
8 Debbie.

9

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

11

12 ACTING CITY CLERK: Mayor, do you wish to
13 take public comment at this time?

14 MAYOR STACK: Sure.

15 Anyone wishing to comment at this time,
16 please step forward, state your name and address
17 for the record.

18 Seeing none.

19 ACTING CITY CLERK: Is there a motion to
20 close the public comment portion of this meeting?

21 COMMISSIONER FERNANDEZ: Motion.

22 ACTING CITY CLERK: Motion made by --

23 COMMISSIONER MARTINETTI: Second.

24 ACTING CITY CLERK: -- Commissioner
25 Fernandez.

1 Second by Commissioner Martinetti.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Rivas is
6 absent.

7 Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner
10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14 * * *

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LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

1. Il Paradiso Corp t/a Il Paradiso, 1108
Summit Avenue, Liquor License No. 0910-33-103-002

2. Los Laureles t/a Los Laureles Liquors, 4265
(sic) Broadway, Liquor License No. 0910-44-026-
011

3. R.G. Miranda Corp. t/a El Cuco, 516 Kennedy
Boulevard, Liquor License No. 0910-33-141-005

4. Pupusa No. 2 Inc. t/a Pupusa Loca, 4709-11
Bergenline Avenue, Liquor License No.
0910-33-174-006

5. Park Avenue Bar & Grill, LLC t/a Park
Avenue Bar & Grill, 3417 Park Avenue, Liquor
License No. 0910-33-119-004

MAYOR STACK: Mr. Farmer?

ACTING CITY CLERK: Mr. Farmer?

MR. FARMER: Yes.

MAYOR STACK: Liquor hearings?

MR. FARMER: Yes.

Mayor and the Commissioners, we have five
on this evening.

Quite frankly, I think between the holiday
and police officers being on vacation and things

1 | like that, we haven't been able to coordinate at
2 | all with the lawyers and witnesses and things
3 | like that.

4 | I think it would be best just to put the
5 | whole calendar off. I got an opportunity to
6 | speak to all the police officers that are here,
7 | so we accomplished that. And I'm hopeful that
8 | between the next meeting and the 26th, which is a
9 | Special Meeting, that we might be able to handle
10 | all of the disciplinary charges that are
11 | outstanding.

12 | I'm going to tell Chief Molinari not to
13 | make any more disciplinary charges against any of
14 | the bars from now till then so we can get rid of,
15 | on the 26th, everybody.

16 | MAYOR STACK: Don't do that, no.

17 | MR. FARMER: You weren't paying attention,
18 | so --

19 | MAYOR STACK: I was. I was. Believe me.

20 | MR. FARMER: All right. All right.

21 | Okay, thank you.

22 | MAYOR STACK: Thank you very much.

23 |

24 | **ADJOURNMENT:**

25 |

1 MAYOR STACK: Motion to adjourn.

2 ACTING CITY CLERK: Is there a motion to
3 adjourn?

4 COMMISSIONER FERNANDEZ: Second.

5 ACTING CITY CLERK: Motion made by Mayor
6 Stack.

7 Second by Commissioner Fernandez.

8 All in favor?

9

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

11

12 (Whereupon, the proceedings were concluded
13 at 7:09 p.m.)

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Board of Commissioners

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, September 2, 2014, and digitally
10 recorded.

11

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25 Monitored and Proofread by: Deborah Dillon