

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Veteran's Memorial
Elementary School
1401 Central Avenue
Union City, New Jersey

Tuesday, September 16, 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
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.
Corporation Counsel

CHARLES D. SAPIENZA, 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 16, 2014, at seven p.m., at the Veteran's
5 Memorial Elementary School, 1401 Central Avenue,
6 Union City, New Jersey.

7 Everybody 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, 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 the bulletin board in City Hall
23 and has been made available to the public in the
24 office of 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 JULY 17,**
17 **2014 AND AUGUST 19, 2014:**

18

19 ACTING CITY CLERK: First item is approval
20 of previous meeting minutes.

21 Motion must be duly made and seconded that
22 the meeting minutes of the Board of Commissioners
23 being held on July 17, 2014 and August 19, 2014,
24 be approved and recorded.

25 COMMISSIONER VALDIVIA: Move it.

1 COMMISSIONER MARTINETTI: Second.

2 ACTING CITY CLERK: Motion made by
3 Commissioner Valdivia.

4 Second by Commissioner Martinetti.

5 Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes on July 17th,
8 2014; and I abstain from August 19th, 2014.
9 Otherwise, yes.

10 ACTING CITY CLERK: Okay.

11 Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 ACTING CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 ACTING CITY CLERK: Commissioner
16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

21 **CONSENT AGENDA:**

22

23 (1) Resolution Approving the Payment of Claims

24 (2) Resolution Approving the Payment of

25 Concurring Claims

1 (3) Resolution Approving the City Payroll for
2 the Period of August 27, 2014 through September
3 9, 2014

4 (4) Resolution Approving the Library Payroll
5 for the Period of August 27, 2014 through
6 September 9, 2014

7 (5) Resolution in the Matter of Disciplinary
8 Proceedings Against El Trebol t/a Mayem (sic)
9 Corp., Liquor License No. 0910-33-190-008,
10 Located at 416-418 43rd Street (sic)

11 (6) Resolution to Award Contracts to Riddell,
12 BSN Sports and Stan's Sport Center for Football
13 Equipment, Supplies and Trophies

14 (7) Resolution Authorizing Issuance of Raffle
15 License No. 1490 to Sts. Joseph and Michael
16 Church, Located at 1314 Central Avenue

17 (8) Resolution Authorizing Issuance of Raffle
18 License No. 1491 to Sts. Rocco Church, Located at
19 4206 Kennedy Blvd.

20 (9) Resolution Authorizing Settlement in
21 Workers' Compensation Matters Involving Rudy
22 Castillo

23 (10) Amended Resolution Approving Shared
24 Services Agreement with the Union City Board of
25 Education for School Resource Officers for 2014-

- 1 2015
- 2 (11) Resolution Designating Loading Zone at 3200
- 3 Hudson Avenue in the City of Union City
- 4 (12) Resolution to Approve State Contract #73979
- 5 for Replacement of Relay Between Police
- 6 Headquarters and Precincts
- 7 (13) Resolution Authorizing the Installation of
- 8 Tiles Pursuant to State Contract #A81751
- 9 (14) Resolution Authorizing Receipt of Bids for
- 10 the Interior Renovations of 2300 Summit Avenue
- 11 for a Police Precinct Office
- 12 (15) Resolution Accepting 2014 Byrne Justice
- 13 Assistance Grant (JAG) Program Award
- 14 (16) Resolution Authorizing the Submission of an
- 15 Application to the New Jersey Local Finance Board
- 16 Pursuant to N.J.S.A. 41A:2-11(c) and N.J.S.A.
- 17 40A:3-1, ET SEQ.
- 18 (17) Resolution Appointing Ulysses Isa of
- 19 Timothy P. Downs LLC as the Attorney of the Union
- 20 City Library Board
- 21 (18) Resolution Authorizing Tax Assessor and
- 22 Special Counsel to Correct Errors in Tax
- 23 Assessments, Settle Certain Appeals and File
- 24 Municipal Tax Appeals of (sic) Behalf of the City
- 25 (19) Resolution Authorizing Refund of Redemption

1 Monies to Outside Lienholders

2 (20) Resolution Authorizing the Refund of
3 Premium Monies Collected at the Tax Sale

4 (21) Resolution Authorizing Refund's Due to Tax
5 Appeal Decisions Issued by the Tax Court of New
6 Jersey

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

9

10 ACTING CITY CLERK: Second item is a
11 Consent Agenda.

12 First item is Resolution Approving the
13 Payment of Claims.

14 Second item.

15 Resolution Approving the Payment of
16 Concurring Claims.

17 Third item is Resolution Approving the City
18 Payroll for the Period of August 27, 2014 through
19 September 9, 2014.

20 Item 4.

21 Resolution Approving the Library Payroll
22 for the Period of August 27, 2014 through
23 September 9, 2014.

24 Item 5.

25 Resolution in the Matter of Disciplinary

1 Proceedings Against El Trebol also known as Mayem
2 (sic) Corp., Liquor License number 0910-33-190-
3 008, Located at 416-418 43rd Street (sic).

4 Item 6.

5 Resolution to Award Contract to Riddell,
6 BSN Sports and Stan's Sporting Center for
7 Football Equipment, Supplies and Trophy.

8 Item 7.

9 Resolution Authorizing Issuance of Raffle
10 License number 1490 to Saint Joseph and Saint
11 Michael Church, Located at 1314 Central Avenue.

12 Item 8.

13 Resolution Authorizing Issuance of Raffle
14 License Number 1491 to Saint Rocco Church,
15 Located at 4206 Kennedy Boulevard.

16 Item 9.

17 Resolution Authorizing Settlement in
18 Workers' Compensation Matters Involving Rudy
19 Castillo.

20 Item 10.

21 Amended Resolution Approving Shared
22 Services Agreement with the Union City Board of
23 Education for School Resource Officers for 2014-
24 2015.

25 Item 11.

1 Resolution Designating Loading Zone at 3200
2 Hudson Avenue in the City of Union City.

3 Item 12.

4 Resolution to Approve State Contract number
5 73979 for Replacement of Relay Between Police
6 Headquarters and Precincts.

7 Item 13.

8 Resolution Authorizing the Installation of
9 Tiles Pursuant to State Contract number A81751.

10 Item 14.

11 Resolution Authorizing Receipt of Bids for
12 the Interior Renovations of 2300 Summit Avenue
13 for a Police Precinct Office.

14 Item 15.

15 Resolution Accepting 2014 Byrne Justice
16 Assistance Grant, JAG, Program Award.

17 Item 16.

18 Resolution Authorizing the Submission of an
19 Application to the New Jersey Local Finance Board
20 Pursuant to N.J.S.A. 41A:2-11(c) and N.J.S.A.
21 40A:3-1.

22 Item 17.

23 Resolution Appointing Ulysses Isa of
24 Timothy P. Downs LLC as the Attorney of the Union
25 City Library Board.

1 Item 18.

2 Resolution Authorizing Tax Assessor and
3 Special Counsel to Correct Errors in Tax
4 Assessments, Settle Certain Appeals and File
5 Municipal Tax Appeals of Behalf of the City.

6 Item 19.

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

9 Item 20.

10 Resolution Authorizing the Refund of
11 Premium Money Collected at Tax Sale.

12 Item 21.

13 Resolution Authorizing Refunds Due to Tax
14 Appeal Decision Issued by the Tax Court of New
15 Jersey.

16 Mayor, you wish to take public comment on
17 any --

18 MAYOR STACK: Sure.

19 ACTING CITY CLERK: -- items on the agenda?

20 MAYOR STACK: All right, just before we do,
21 just on number 5, the Resolution in the Matter of
22 Disciplinary Proceedings Against El Trebol?

23 ACTING CITY CLERK: Yes, sir.

24 MAYOR STACK: The address is not 416-418
25 43rd. The correct address is 3204 Bergenline

1 Avenue.

2 Just so we have that in the record.

3 ACTING CITY CLERK: 3204 Bergenline.

4 MAYOR STACK: That's happened a couple
5 times on this one.

6 There may be a discrepancy on the license;
7 I'm not sure. But --

8 COMMISSIONER VALDIVIA: He was doing that
9 from for the other place, too.

10 MAYOR STACK: Yeah.

11 There's probably an ownership issue there
12 on both of them.

13 ACTING CITY CLERK: I will make the
14 correction.

15 MAYOR STACK: So, 3204 Bergenline Avenue.

16 ACTING CITY CLERK: Thank you.

17 MAYOR STACK: Anyone wishing to comment on
18 the Consent Agenda, please step forward, state
19 your name and address for the record.

20 Seeing none.

21 ACTING CITY CLERK: Is there a motion to
22 close public comment?

23 MAYOR STACK: Motion.

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

1 COMMISSIONER FERNANDEZ: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Fernandez.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

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

18 COMMISSIONER RIVAS: Motion.

19 ACTING CITY CLERK: Motion made by
20 Commissioner Rivas.

21 COMMISSIONER VALDIVIA: Second.

22 ACTING CITY CLERK: Second by Commissioner
23 Valdivia.

24 Roll call.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: I abstain from
2 number 10 as it pertains to the Union City Board
3 of Education.

4 Otherwise, yes.

5 ACTING CITY CLERK: Commissioner Fernandez
6 abstain from item 10.

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 And I abstain number 10.

15 ACTING CITY CLERK: Commissioner Martinetti
16 abstain number 10.

17 Mayor Stack?

18 MAYOR STACK: Yes.

19 ACTING CITY CLERK: Next items, --

20 COMMISSIONER FERNANDEZ: Can we clarify --
21 Excuse me, Clerk?

22 Can we clarify the reason why Celin
23 Valdivia's voting yes under the doctrine --

24 MAYOR STACK: Under the doctrine of
25 necessity.

1 COMMISSIONER FERNANDEZ: -- doctrine of
2 necessity.

3 MS. de los RIOS: Doctrine of necessity.
4 Thank you.

5 ACTING CITY CLERK: We have that?

6 COMMISSIONER FERNANDEZ: Is that noted?
7

8 **ORDINANCE FOR INTRODUCTION:**
9

10 1. ORDINANCE AUTHORIZING BOND ORDINANCE NO.
11 2014-1 FOR THE COMPLETION OF VARIOUS CAPITAL
12 IMPROVEMENTS AND THE ACQUISITION OF VARIOUS
13 CAPITAL EQUIPMENT FOR THE CITY OF UNION CITY
14 AUTHORIZED BY SECTION 7 THEREOF
15

16 ACTING CITY CLERK: Next item is an
17 Ordinance for Introduction.

18 Adoption of this first reading authorize
19 the Municipal Clerk to advertise the Ordinance
20 with a notice of the introduction, together with
21 a notice of the time and place when the
22 Ordinances will be considered for final passage.

23 The Ordinance will be further considered at
24 a meeting of the Board of Commissioners to be
25 held on Tuesday, October 21st, 2014, at seven

1 p.m., at the Bella Vista Apartment, 522 22nd
2 Street, Union City, New Jersey.

3 Ordinance is Authorizing Bond Ordinance
4 number 2014-1 for the Completion of Various
5 Capital Improvements and the Acquisition of
6 Various Capital Equipment for the City of Union
7 City Authorized by Section 7 Thereof.

8 Is there a motion to introduce?

9 MAYOR STACK: Yes, just before we do, just
10 for the public's knowledge -- and we'll have a
11 hearing on this obviously, this would be capital
12 improvements for equipment.

13 Most of our equipment is about 25 years old
14 in the Department Public Works.

15 Equipment in the Police Department; also a
16 new radio system, which is over four and a half
17 million dollars for the Police Department. We
18 have numerous dead spots with our radios.

19 In addition to that there would be some
20 infrastructure improvements along that matter.
21 But we'll get into more detail at the next
22 hearing.

23 ACTING CITY CLERK: Is there a motion?

24 MAYOR STACK: Motion; I'm sorry.

25 ACTING CITY CLERK: Motion by Mayor Stack.

1 COMMISSIONER VALDIVIA: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Valdivia.

4 Roll call.

5 Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner Rivas?

8 COMMISSIONER RIVAS: Yes.

9 ACTING CITY CLERK: Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16

17 **ORDINANCE FOR INTRODUCTION:**

18

19 2. ORDINANCE AUTHORIZING LEASE OF 2300 SUMMIT
20 AVENUE FOR POLICE PRECINCT

21

22 ACTING CITY CLERK: The next Ordinance will
23 be further considered at a meeting of the Board
24 of Commissioners to be held on Tuesday, October
25 7, 2014, at seven p.m., at the Emerson Middle

1 School, 318 18th Street, Union City, New Jersey.

2 This Ordinance is Authorizing Lease of 2300
3 Summit Avenue for Police Precinct.

4 MAYOR STACK: We've always had a Police
5 precinct -- well, going back to at least Mayor
6 Walter's administration -- on -- in the midtown
7 area.

8 We have one on 7th Seventh Street. We had
9 one on 27th and Bergenline. And, of course, we
10 have Police Headquarters on 38th Street.

11 We're looking to keep a strong presence in
12 the area. We've looked at several different
13 sites, in fact, in this area and this is probably
14 one of the better ones that we found. We looked
15 at other sites but there was other concerns --
16 environmental.

17 This would be on 23rd and Summit. It would
18 be between the -- I think it's called Hudson
19 Baseball and Yo-Delight, which is a yogurt place.

20 It would be putting a Police precinct on
21 23rd and Summit. There would be many benefits to
22 having a Police precinct here. It would put a
23 Police presence, obviously, in that neighborhood.
24 But, more importantly, you have between Robert
25 Waters School, Union City High School, the Early

1 Childhood Center, --

2 COMMISSIONER MARTINETTI: The AEA.

3 MAYOR STACK: -- the --

4 COMMISSIONER RIVAS: Jose Marti.

5 MAYOR STACK: -- Jose Marti, -- the AEA
6 Academy, Saint Francis is a little further down
7 on 16th/17th and Central Avenue. All the way down
8 to when Gilmore School was done. You have about
9 5,800 children going to school. A little bit
10 more than that that go to school in that area and
11 Summit Avenue is one of the busiest points.

12 So it would bring a Police presence into
13 that area. We would also put our training
14 division in that area. So there'd always be a
15 Police presence, whether it be 24 hours a day,
16 but a strong emphasis during the day when the
17 kids are going to school also.

18 And this is probably one of the few empty
19 sites that we found in this area.

20 I'll move it.

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

23 COMMISSIONER FERNANDEZ: Second.

24 ACTING CITY CLERK: Second by Commissioner
25 Fernandez.

1 Roll call.

2 Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 ACTING CITY CLERK: Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes.

8 ACTING CITY CLERK: Commissioner

9 Martinetti?

10 COMMISSIONER MARTINETTI: Yes.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13

14 **REGULAR AGENDA:**

15

16 1. Resolution Approving the Redevelopment
17 Agency Payroll for the Period of August 27, 2014
18 through September 9, 2014

19

20 ACTING CITY CLERK: Next item is the
21 Regular Agenda.

22 The first item is a Resolution Approving
23 the Redevelopment Agency Payroll for the Period
24 of August 27, 2014 through September 9th, 2014.

25 MAYOR STACK: I'll move it.

1 COMMISSIONER MARTINETTI: Second.

2 ACTING CITY CLERK: Motion made by Mayor
3 Stack.

4 Second by Commissioner Martinetti.

5 Commissioner Fernandez; recusing.

6 Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 ACTING CITY CLERK: Commissioner
11 Martinetti?

12 COMMISSIONER MARTINETTI: Yes.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

15

16 **REGULAR AGENDA:**

17

18 2. Resolution Authorizing the Payment of Claim
19 to the Hudson County Improvement Authority

20

21 ACTING CITY CLERK: Second item is
22 Resolution Authorizing the Payment of Claim to
23 the Hudson County Improvement Authority.

24 COMMISSIONER VALDIVIA: Move it.

25 MAYOR STACK: I'll move it.

1 I'm second.

2 Commissioner Valdivia's moving; I'm second.

3 ACTING CITY CLERK: Commissioner Valdivia;
4 Mayor Stack.

5 Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes.

8 ACTING CITY CLERK: Commissioner Rivas;
9 recusing.

10 Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Yes.

12 ACTING CITY CLERK: Commissioner
13 Martinetti; recusing.

14 Mayor Stack?

15 MAYOR STACK: Yes.

16

17 **REGULAR AGENDA:**

18

19 3. Resolution Authorizing the Local Unit's
20 Participation in the Pooled Note Financing
21 Program of the Hudson County Improvement
22 Authority

23

24 ACTING CITY CLERK: Third item is
25 Resolution Authorizing the Local Unit's

1 Participation in the Pooled Note Financing
2 Program of the Hudson County Improvement
3 Authority.

4 Is there a motion?

5 COMMISSIONER VALDIVIA: Motion.

6 MAYOR STACK: Motion.

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

9 Second by Mayor Stack.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Rivas;
14 recusing.

15 COMMISSIONER RIVAS: No, I'm not.

16 ACTING CITY CLERK: You're not.

17 Commissioner Rivas?

18 MAYOR STACK: Doctrine of necessity --

19 COMMISSIONER RIVAS: Hudson County
20 Improvement --

21 MS. DILLON: I'm sorry?

22 MS. de los RIOS: On number 3?

23 MAYOR STACK: You're voting on it?

24 ACTING CITY CLERK: You're voting on that?

25 MS. de los RIOS: Um-hum.

1 MAYOR STACK: Under the doctrine of
2 necessity?

3 MS. de los RIOS: Yup.

4 COMMISSIONER RIVAS: Under the doctrine of
5 necessity, --

6 MS. de los RIOS: It is.

7 COMMISSIONER RIVAS: -- I'll vote --

8 MS. de los RIOS: Yes.

9 COMMISSIONER RIVAS: -- yes.

10 MS. de los RIOS: That's exactly right.

11 MAYOR STACK: All right.

12 COMMISSIONER RIVAS: I'll vote yes.

13 ACTING CITY CLERK: Okay, Commissioner
14 Rivas; yes.

15 Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti; recusing.

19 Mayor Stack?

20 MAYOR STACK: Yes.

21 COMMISSIONER FERNANDEZ: Did I vote?

22 You -- you didn't call my name.

23 ACTING CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Yes. You were the

1 first one I think.

2 Okay.

3

4 **REGULAR AGENDA:**

5

6 4. Resolution Authorizing Budget Appropriation
7 Reserve Transfer of the State Fiscal Year Budget
8 2014

9

10 ACTING CITY CLERK: Item 4.

11 Resolution Authorizing Budget Appropriation
12 Reserve Transfer of the State Fiscal Year Budget
13 2014.

14 Is there a motion?

15 COMMISSIONER VALDIVIA: Motion.

16 ACTING CITY CLERK: Motion by
17 Commissioner --

18 COMMISSIONER RIVAS: Second.

19 ACTING CITY CLERK: -- Valdivia.

20 COMMISSIONER RIVAS: Second.

21 ACTING CITY CLERK: Second by Commissioner
22 Rivas.

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: On this one, I believe I'm
10 recusing on this.

11 Right?

12 MS. de los RIOS: Yes, you are.

13 MAYOR STACK: Because there's an item in
14 here --

15 MS. de los RIOS: There is.

16 MAYOR STACK: -- involving --

17 Okay, counselor.

18 I'm recusing on that one.

19 ACTING CITY CLERK: Mayor Stack; recusing.

20

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

22

23 ACTING CITY CLERK: Mayor, would you wish
24 to take public comment --

25 MAYOR STACK: Yes, I would.

1 ACTING CITY CLERK: -- on any item on the
2 Regular Agenda?

3 MAYOR STACK: Yes.

4 Any member of the public who would like to
5 comment at this time, please step forward, state
6 your name and address for the record.

7 Seeing none.

8 ACTING CITY CLERK: Is there a motion to
9 close public portion of this meeting?

10 MAYOR STACK: Motion.

11 COMMISSIONER MARTINETTI: Second.

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

14 Second by Commissioner Martinetti.

15 Roll call.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 ACTING CITY CLERK: Commissioner Rivas?

19 COMMISSIONER RIVAS: Yes.

20 ACTING CITY CLERK: 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 ACTING CITY CLERK: There's some liquor
3 license disciplinary proceedings.

4 Charlie Sapienza I believe is --

5 MAYOR STACK: Mr. Sapienza, are you
6 prepared?

7 ACTING CITY CLERK: Charlie?

8 MAYOR STACK: Are you prepared, Mr.
9 Sapienza?

10 MR. SAPIENZA: Yes, Your Honor.

11 MAYOR STACK: On behalf of the
12 Commissioners and myself, we'd like to thank the
13 members of the public that are here today.

14 This portion of the meeting, everyone's
15 welcome to stay for also. This portion of the
16 meeting is liquor hearings.

17 * * *

18

19

20

21

22

23

24

25

1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

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

5 2. Los Laureles t/a Los Laureles Liquors, 4265
6 (sic) Broadway, Liquor License No.
7 0910-44-026-011

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

10 4. Pupusa No. 2 Inc. t/a Pupusa Loca, 4709-11
11 Bergenline Avenue, Liquor License No.
12 0910-33-174-006

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

16 6. Manhattan Bar & Grill, 1711 Manhattan
17 Avenue, Liquor License No. 0910-33-188-004

18

19 MR. SAPIENZA: Good evening.

20 COMMISSIONER RIVAS: Good evening.

21 ACTING CITY CLERK: Hi, Charlie.

22 MR. SAPIENZA: Chairman, members of the
23 Board, there are several matters on here. Some
24 are here but request an adjournment. So let me
25 just deal with that first.

1 **PARK AVENUE BAR & GRILL, LLC t/a PARK AVENUE BAR**
2 **& GRILL, 3417 Park Avenue, Liquor License No.**
3 **0910-33-119-004:**
4

5 MR. SAPIENZA: The Park Avenue Bar and
6 Grill. I'll ask those people to step up. Park
7 Avenue Bar and Grill?

8 Please come up.

9 If there's any question to you, your reply
10 has to be recorded so that it can be put -- made
11 part of the transcript. And this is --

12 MS. DILLON: Can you please step forward?

13 MR. SAPIENZA: -- this is the microphone.

14 MS. DILLON: Right here. Right in front of
15 the podium. Right there.

16 MR. SAPIENZA: Right here.

17 MS. DILLON: Okay.

18 MR. SAPIENZA: Okay.

19 MS. DILLON: Sir, your name?

20 MR. HODKINSON: My name is Harry Hodkinson.

21 MS. DILLON: Spell your name for me.

22 MR. HODKINSON: Harry, H-A-R-R-Y.

23 Hodkinson, H-O-D-K-I-N-S-O-N.

24 MR. SAPIENZA: And your name, too.

25 MR. INGRASSELINO: Peter Ingrasselino.

1 MS. DILLON: Peter --

2 MR. INGRASSELINO: Last name is I-N-G-R-A-
3 S-S-E-L-I-N-O.

4 MS. DILLON: Thank you.

5 MR. SAPIENZA: You're the --

6 MR. INGRASSELINO: I'm the general manager.

7 MR. SAPIENZA: General Manager.

8 And you are?

9 MR. HODKINSON: I'm one of the managing
10 partners.

11 MR. SAPIENZA: Okay.

12 So the licensee is represented here today.
13 They requested an adjournment of this case.

14 They've offered an explanation, which may
15 lend itself to some settlement with them. They
16 have two recordkeeping violations. And the
17 lowest penalty under the State ABC Regulations
18 for those penalties is two days. One for each of
19 the Regulations; one for each of the days.

20 And they have an explanation as to why
21 these violations occurred, which is -- minimizes
22 their involvement in them.

23 MAYOR STACK: Okay, maybe I didn't hear
24 correctly.

25 When you started you said they were looking

1 | for an adjournment?

2 | MR. SAPIENZA: They're looking for an
3 | adjournment or perhaps they're looking to
4 | complete the case this evening if they can.

5 | MAYOR STACK: But which is it? An
6 | adjournment or complete the case?

7 | MR. SAPIENZA: It's both.

8 | It's an adjournment --

9 | Let me stand back here.

10 | It's an adjournment if they can't achieve
11 | their objective, which is to enter a guilty plea
12 | and receive a suspension of one or two days; --

13 | MAYOR STACK: Okay.

14 | MR. SAPIENZA: -- and otherwise in that
15 | it's an adjournment.

16 | MAYOR STACK: Let's grant an adjournment.

17 | MR. SAPIENZA: Okay.

18 | MAYOR STACK: Let's grant an adjournment so
19 | that they have the opportunity to consult counsel
20 | and so we can consult.

21 | MR. SAPIENZA: Okay.

22 | MR. INGRASSELINO: Okay. Thank you.

23 | MR. SAPIENZA: Thank you very much.

24 | MR. INGRASSELINO: Thank you.

25 | MR. HODKINSON: Thank you.

1 MAYOR STACK: Thank you.

2 We'll put it on for the next meeting?

3 MR. SAPIENZA: Yes; 26th?

4 MS. de los RIOS: Mayor, we have a Special
5 Meeting on the 26th if you want to put it on that
6 calendar?

7 MAYOR STACK: No, put it on the next one
8 after that.

9 A VOICE: Twenty-six?

10 MS. de los RIOS: Okay.

11 MR. SAPIENZA: The one after that.

12 Would date would that be?

13 MS. de los RIOS: October 7th.

14 MAYOR STACK: It would be the next regular
15 scheduled Commission Meeting.

16 ACTING CITY CLERK: October 7.

17 MAYOR STACK: Okay.

18 A VOICE: Will it be here?

19 MR. SAPIENZA: Yes.

20 A VOICE: Okay.

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1 **MANHATTAN BAR & GRILL, 1711 Manhattan Avenue,**
2 **Liquor License No. 0910-33-188-004:**

3
4 MR. SAPIENZA: Manhattan Bar and Grill.

5 This is a continuation of an application
6 for renewal of the license.

7 Manhattan Bar and Grill is here this
8 evening. They have asked to make an offer of
9 conditions that they would voluntarily and
10 completely comply with during the renewal year if
11 renewal is granted.

12 And those conditions are geared towards
13 removing one of the main sources of complaint
14 that the Police Department has with the operation
15 and that is noise late at night.

16 So in that regard, Luis Diaz, Esquire, is
17 on my left and he's the attorney for Manhattan
18 Bar and Grill.

19 Do you have a --

20 MR. DIAZ: Proposal?

21 MR. SAPIENZA: -- proposal?

22 MR. DIAZ: Yes.

23 MS. DILLON: Just put your appearance on
24 for me.

25 MR. DIAZ: Luis Diaz on behalf of the

1 | licensee. Good evening, Board members.

2 | MAYOR STACK: Good evening.

3 | MR. DIAZ: We're proposing to have a cut-
4 | off time on the -- on the music and the sound.
5 | More specifically, Monday, Tuesday and Wednesday
6 | and Thursday, 10:30; 10:30 cut-off time for any
7 | music. Friday, 11:30; Saturday, 12; Sunday,
8 | 11:30.

9 | I'd like to add that the licensee has
10 | voluntarily kept this schedule for over a month,
11 | since the last time I think we were here. And my
12 | understanding is that there has been no
13 | complaints.

14 | The main source of the complaints in the
15 | past with the prior management was coming from
16 | one individual, mainly. That individual is not
17 | there any longer.

18 | This new manager who has made an
19 | application to buy one-third of the interest and
20 | hopefully buy the whole -- the whole restaurant,
21 | is a single mother. She's putting everything
22 | into it. Three children that she keeps. Mainly
23 | trying to make it as a restaurant; as a Brazilian
24 | steakhouse type of restaurant.

25 | This is the only restaurant in the area if

1 | you know the area quite well.

2 | So, hopefully she's able to make it as a
3 | restaurant, which has not been the tradition of
4 | this location. And if everything goes well,
5 | hopefully buy the building. Obviously, that's
6 | all in the future and if she's able to make a go
7 | at it.

8 | But she has kept this schedule for over a
9 | month now. There has been no complaints. I
10 | think that --

11 | Anyway, if it doesn't work out, you can
12 | always have us back here. That's no -- always
13 | within your power.

14 | So this is the proposal that we're making
15 | in order to be able to continue and do the
16 | renewal and proceed forward.

17 | MAYOR STACK: The question I have though is
18 | not so much, Mr. Diaz, for you but for Mr.
19 | Sapienza. Is what happened -- what happened to
20 | the case that we had when we brought them in on
21 | the old owner of the establishment or they're
22 | still the current owner, I should say, of the
23 | establishment?

24 | What happened with that?

25 | MR. SAPIENZA: I'm sorry but I'm not

1 familiar enough with the history of the license
2 to answer your question.

3 MAYOR STACK: There was a hearing held.
4 It's been, I mean --

5 ACTING CITY CLERK: It was about four
6 meetings ago. About --

7 MAYOR STACK: Yeah, it was several months
8 ago that we held a meeting and it was -- it was
9 at the Musto Cultural Center.

10 MR. DIAZ: No.

11 MAYOR STACK: Mr. Diaz wasn't there at the
12 time.

13 MR. DIAZ: No, I was not.

14 MAYOR STACK: They didn't have him --
15 retaining him.

16 I just don't know --

17 I mean what he's saying sounds good on the
18 hours; I just don't know what happened with that
19 before we proceed on this.

20 MR. DIAZ: Again, just going back. I was
21 not involved in the case at that time. I believe
22 that Mr. Gonzalez was. But --

23 MAYOR STACK: Who's Mr. Gonzalez?

24 MR. DIAZ: Ray Gonzalez.

25 MAYOR STACK: No.

1 COMMISSIONER FERNANDEZ: No.

2 MAYOR STACK: No.

3 MR. DIAZ: No?

4 Somebody else?

5 MAYOR STACK: There was no attorney. No
6 attorney showed up.

7 MR. DIAZ: Oh.

8 My understanding was that Ray Gonzalez was
9 handling in the spring, beginning of the year and
10 so forth. But --

11 MAYOR STACK: No.

12 MR. DIAZ: I have no idea.

13 MAYOR STACK: Not that I remember.

14 In fact, we even told them that they should
15 get -- they should seek counsel at the time.

16 MR. DIAZ: Seek counsel.

17 MAYOR STACK: Can we put this one off?

18 We'll put this one off; just so we don't
19 delay it much longer. We'll put it off until the
20 Special Meeting. We could have this one on the
21 Special Meeting. Have this down --

22 When is that, the Special Meeting,
23 September?

24 MS. de los RIOS: Next Friday, --

25 ACTING CITY CLERK: That's the 26th.

1 MS. de los RIOS: -- the 26th.

2 MAYOR STACK: Next Friday, the 26th.

3 MS. de los RIOS: Um-hum.

4 MAYOR STACK: What time does that meeting
5 start?

6 ACTING CITY CLERK: One.

7 MS. de los RIOS: It's at one o'clock.

8 MAYOR STACK: What time?

9 MS. de los RIOS: At the Musto Center.
10 One o'clock.

11 MAYOR STACK: One o'clock?

12 Yeah, put this -- put that one on -- and
13 that's a Special Meeting for liquor hearings;
14 right?

15 MS. de los RIOS: Yes it is.

16 MAYOR STACK: Yeah, put this on the agenda.
17 Make this the first one.

18 MS. de los RIOS: Okay.

19 MAYOR STACK: All right? This way we can
20 clear up this one issue.

21 MR. DIAZ: Okay. Okay.

22 MAYOR STACK: That's the main question I
23 have right now.

24 MR. DIAZ: Okay.

25 MAYOR STACK: And we can talk about the

1 hours and security.

2 MR. DIAZ: Okay.

3 MAYOR STACK: Okay?

4 MR. DIAZ: With regard to the renewal, we
5 still --

6 MAYOR STACK: Yeah, let's put it all on the
7 same thing together. Absolutely.

8 MR. DIAZ: Very good.

9 MAYOR STACK: All right?

10 MR. DIAZ: Okay.

11 MAYOR STACK: That will be at one o'clock
12 at the Musto Center.

13 MR. DIAZ: Oh, okay, one p.m.

14 MAYOR STACK: One o'clock on Friday, the
15 26th.

16 Right? The 26th?

17 ACTING CITY CLERK: Yes.

18 MS. de los RIOS: Yes, sir, that is
19 correct, the 26th.

20 MAYOR STACK: Good.

21 MR. DIAZ: Okay, very good.

22 MAYOR STACK: Thank you, Mr. Diaz.

23 MR. DIAZ: Thank you.

24 Have a good night.

25 MAYOR STACK: Thank you.

1 You, too now.

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1 **IL PARADISO CORP. t/a IL PARADISO, 1108 Summit**
2 **Avenue, Liquor License No. 0910-33-103-002:**

3

4 MR. SAPIENZA: First case on the agenda is
5 Il Paradiso Corporation.

6 Is there anyone here from that licensee?
7 Come forward, please.

8 MR. CONTRERAS: Yes, sir.

9 MR. SAPIENZA: Enter your appearance
10 please.

11 MR. CONTRERAS: I'm Luis Contreras and --

12 MS. DILLON: I'm sorry; what is your name,
13 sir?

14 MR. CONTRERAS: Luis D. Contreras.

15 MS. DILLON: Okay, spell your last name.

16 MR. CONTRERAS: C-O-N-T-R-E-R-A-S.

17 MR. SAPIENZA: And, Mr. Contreras, what are
18 you with regards to Paradiso Corporation?

19 MR. CONTRERAS: I'm the owner.

20 MR. SAPIENZA: You own the stock of the
21 corporation?

22 MR. CONTRERAS: Yes.

23 MR. SAPIENZA: Okay.

24 Do you work at the corporation also? Do
25 you work there?

1 MR. CONTRERAS: Yes I do.

2 MR. SAPIENZA: Are you prepared to go
3 forward on these charges this evening? Because
4 at least one is serious; it's sale of alcohol to
5 an intoxicated patron or person in the bar.

6 Are you prepared to go forward?

7 MR. CONTRERAS: Really I was not sale --
8 the history was about five minutes before then
9 the officer get in in the place, so get that --
10 that intoxicated person to ask for the bathroom.
11 I told him, you know, --

12 MAYOR STACK: Mr. Contreras, before you go
13 any further, have you had the opportunity to
14 consult an attorney?

15 Have you consulted an attorney or would you
16 like to be represented by an attorney?

17 MR. CONTRERAS: Well, I -- I think -- I
18 believe I don't need an attorney. Everything
19 with the attorney --

20 MAYOR STACK: Right. But you may want to
21 go consult an attorney because the charge that's
22 against you, what Mr. Sapienza's trying to
23 explain to you, --

24 MR. CONTRERAS: Yeah.

25 MAYOR STACK: -- is a serious charge.

1 So maybe you want to consult with an
2 attorney first and then make a decision. And
3 we'll put this on for the next meeting.

4 MR. CONTRERAS: Okay.

5 MAYOR STACK: All right?

6 MR. CONTRERAS: Okay, Mayor.

7 MAYOR STACK: We'll put this on for the
8 26th also.

9 Okay?

10 So the meeting's going to be -- you'll be
11 notified in writing.

12 Mr. Sapienza, make sure --

13 MR. CONTRERAS: Okay.

14 MAYOR STACK: -- that these all get noticed
15 tonight, --

16 MR. SAPIENZA: Yes.

17 MR. CONTRERAS: Okay, Mayor.

18 MAYOR STACK: -- so nobody says no, by
19 certified mail.

20 MR. SAPIENZA: Yes, sir.

21 MAYOR STACK: And it will be one o'clock --
22 no adjournments; one o'clock, the 26th, at the
23 Musto Center.

24 Okay? September 26th; Friday, the 26th.

25 MR. CONTRERAS: Okay.

1 Thank you.

2 MAYOR STACK: All right?

3 MR. CONTRERAS: Thank you.

4 MAYOR STACK: Thank you, sir.

5 MR. CONTRERAS: Thank you.

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1 | **LOS LAURELES t/a LOS LAURELES LIQUORS, 4265 (sic)**
2 | **Broadway, Liquor License No. 0910-44-026-011:**

3 |

4 | MR. SAPIENZA: The next matter on the
5 | agenda is Los Laureles Liquor, 4625 Broadway.

6 | Is there anyone here from that particular
7 | licensed establishment?

8 | Los Laureles Liquors?

9 | MAYOR STACK: The thing is I'm not sure --
10 | I'm not sure if we have the correct address.

11 | No, I'm definitely -- I'm definitely sure
12 | it's not the correct address but --

13 | We have down 4265. Wouldn't this be 4625?
14 | It's 4625 Broadway.

15 | Let's make sure that we re-notice them for
16 | the 26th and let's get the right address here;
17 | 4625 Broadway. Right on the corner of 47th
18 | Street.

19 | So, we're going adjourn that till the 26th
20 | also.

21 |

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1 PUPUSA NO. 2 INC. t/a PUPUSA LOCA, 4709-11
2 Bergenline Avenue, Liquor License No.
3 0910-33-174-006:
4

5 MR. SAPIENZA: The last matter on the
6 agenda is Pupusa Number 2 Inc., operating at
7 4709-11 Bergenline Avenue.

8 Are you gentlemen here from --

9 A VOICE: Yup.

10 MR. SAPIENZA: -- Pupusa?

11 A VOICE: Yes.

12 A VOICE: Pupusa, yeah.

13 MR. SAPIENZA: And are you an attorney?

14 A VOICE: No, no, no, no.

15 Both manager. We representing Pupusa Loca.

16 MR. SAPIENZA: And you're the --

17 A VOICE: Another manager.

18 A VOICE: We are manager from --

19 MR. SAPIENZA: You're the managers?

20 A VOICE: Yes.

21 A VOICE: Yes.

22 MR. SAPIENZA: Have you consulted with an
23 attorney about the charges that you came for
24 tonight?

25 MS. DILLON: Mr. Sapienza, could I get

1 | their names first please --

2 | A VOICE: Oh, oh, okay.

3 | MS. DILLON: -- before you begin?

4 | MR. SAPIENZA: Yes.

5 | MS. DILLON: Sir, your name? And spell it
6 | for me?

7 | MR. ARISS: Victor Ariss. V-I-C-T-O-R.
8 | Ariss, A-R-I-S-S.

9 | MS. DILLON: Okay.

10 | And your name, sir?

11 | MR. MARTINEZ: Wilfredo Martinez.

12 | MS. DILLON: Wilfredo?

13 | MR. MARTINEZ: Yes. W-I-L-F-R-E-D-O.

14 | MS. DILLON: And Martinez?

15 | MR. MARTINEZ: Martinez, yes.

16 | MS. DILLON: Thank you.

17 | MAYOR STACK: Good evening.

18 | Mr. Sapienza?

19 | MR. SAPIENZA: How do you plead to these
20 | charges?

21 | MR. ARISS: So, we was -- for loud music --

22 | MAYOR STACK: Have you had the opportunity,
23 | sir, to consult with an attorney?

24 | MR. ARISS: Well, I think, not necessary --
25 | we can handle it.

1 MAYOR STACK: Okay, the charges against
2 them are?

3 MR. SAPIENZA: That there was unnecessary
4 noise on June 22nd, 2014. Detective Dunlay was
5 the investigating officer.

6 MAYOR STACK: You want to step forward,
7 Dave?

8 MR. SAPIENZA: He's here tonight.

9 Detective Dunlay, would you enter your
10 appearance please?

11 DETECTIVE DUNLAY: Sure.

12 David A. Dunlay, D-U-N-L-A-Y, Union City
13 Police.

14 MR. SAPIENZA: So the Chairman asked you if
15 you had consulted with an attorney.

16 And your answer was?

17 MR. ARISS: No, we don't need attorney.
18 We --

19 MAYOR STACK: You want to proceed without
20 an attorney?

21 MR. ARISS: Right.

22 MAYOR STACK: You sure of that?

23 MR. ARISS: We -- (Indiscernible) -- yeah.

24 MS. DILLON: I'm sorry, sir, I need you to
25 speak up.

1 MAYOR STACK: Just to keep your voice up.

2 MR. ARISS: Oh, okay. Okay.

3 MAYOR STACK: Just to keep your voice up
4 when you speak; speak a little bit louder for the
5 microphone.

6 MR. ARISS: Oh, okay.

7 MAYOR STACK: Sure.

8 MR. ARISS: Okay.

9 So we consider it and we no necessary, so
10 we will be here.

11 MAYOR STACK: Okay.

12 MR. SAPIENZA: All right.

13 Detective Dunlay, on June 22nd, 2014, did
14 you have occasion to respond to Pupusa Loca at
15 4709-11 Bergenline Avenue in Union City?

16 DETECTIVE DUNLAY: I did.

17 MR. SAPIENZA: Now were you alone or with
18 other officers?

19 DETECTIVE DUNLAY: I believe there were
20 other officers present.

21 MR. SAPIENZA: What caused you to respond
22 to that location?

23 DETECTIVE DUNLAY: There was some type of
24 incident in, actually, the parking lot behind the
25 -- the establishment.

1 MR. SAPIENZA: Approximately what time did
2 you respond?

3 DETECTIVE DUNLAY: I don't remember off the
4 top -- it may have been -- it was definitely
5 after midnight.

6 MR. SAPIENZA: And when you and the other
7 officers responded, what did you see?

8 DETECTIVE DUNLAY: Well, we didn't see.
9 What we did is we could hear the vibrations and
10 the music emanating from -- from La Pupusa in the
11 -- in the rear of the parking lot.

12 MR. SAPIENZA: How far were you from the
13 front door of Pupusa when you could -- when you
14 heard that noise?

15 DETECTIVE DUNLAY: From the lot I would
16 estimate, going towards Bergenline Ave., maybe a
17 hundred feet. And then maybe another hundred
18 feet. So 200 feet -- linear feet.

19 MR. SAPIENZA: What type of neighborhood is
20 it that surrounds Pupusa Loca?

21 DETECTIVE DUNLAY: Well, the storefront
22 area, it's a commercial area. And the rear is
23 actually residential.

24 MR. SAPIENZA: And the parking lot that you
25 mentioned, was that in the rear of the --

1 DETECTIVE DUNLAY: Yes.

2 MR. SAPIENZA: -- premises?

3 Did any neighbors complain to you about
4 noise emanating from Pupusa?

5 DETECTIVE DUNLAY: Not at that time, no.

6 MR. SAPIENZA: At any other time have any
7 -- any residents complained?

8 DETECTIVE DUNLAY: In the past there's been
9 complaints from residents. They've made calls to
10 the Police.

11 MR. SAPIENZA: Um-hum.

12 DETECTIVE DUNLAY: They've voiced concerns
13 actually at various community meetings.

14 MR. SAPIENZA: All right.

15 Mr. Chairman, the Alcoholic Beverage
16 Regulations make it an offense for loud and
17 unnecessary noise to be caused by a licensed
18 entity. And it's a violation that has a
19 suggested penalty of ten days.

20 Gentlemen, do you want to address any of
21 this?

22 MR. ARISS: We agree with the Officer. But
23 what happened is in this time -- that's around
24 1:30, after midnight, what he say, so we got the
25 window kitchen was open. So one of the employee

1 | was new, -- was help in kitchen, is new. So,
2 | around that's around 1:30, just when we cleaning,
3 | we setting out everything, you know, we're almost
4 | closed. But he mistake is open the window in the
5 | back. So he don't know the new rule about --
6 | this is -- like indisciplinary action. So we
7 | take care, we investigate it and he did.

8 | So, what -- what I -- what I did -- what we
9 | did, so we took action with this new employees.
10 | So we give -- we suspend the new employees and we
11 | finding there's one in the base -- on in the
12 | base, which is broke, too. So that's what
13 | happen, he didn't know he was -- real hard when
14 | the window was open. Where we take action, we
15 | repair down there -- the base, and we educate and
16 | do the new -- the new person in the kitchen,
17 | they're not suppose to let the window open.

18 | So, -- in the past we receive many call for
19 | the loud music. But if you see this call it was
20 | stop, the call. We working with the neighbor.
21 | So, we are -- we go around to the neighbor, we
22 | asking any problem with the noise, let me know
23 | because --

24 | MAYOR STACK: I was just going to recommend
25 | that to you.

1 MR. ARISS: Yes, --

2 MAYOR STACK: I was going to recommend
3 that, exactly.

4 MR. ARISS: So what -- that's what we did.

5 MAYOR STACK: Okay.

6 MR. ARISS: And then when the officer --
7 when the officer was in the back, by mistake this
8 day was bad luck for us that happened this time.

9 Base is broke. The new guy in the kitchen
10 open the -- the window open. They don't know.

11 MAYOR STACK: Have the Police been back
12 there anymore since that incident in June?

13 MR. ARISS: No.

14 MAYOR STACK: For any reason?

15 Dave, have you been back there?

16 DETECTIVE DUNLAY: I haven't.

17 MAYOR STACK: Sergeant; I'm sorry. Have
18 you been back there?

19 DETECTIVE DUNLAY: No, sir, I have not.

20 MAYOR STACK: Okay.

21 Do you know if the units have been back
22 there for other --

23 Did you look at the CAD system and see?

24 DETECTIVE DUNLAY: I would have to check
25 the CAD. I -- no, I didn't come prepared with

1 | that information.

2 | MAYOR STACK: Okay.

3 | I just wanted to see if it was corrected
4 | after that date. We're looking for after that
5 | June date.

6 | Right, it was June?

7 | DETECTIVE DUNLAY: Correct. I can't --

8 | MAYOR STACK: Right.

9 | DETECTIVE DUNLAY: -- I couldn't tell
10 | you --

11 | MAYOR STACK: And before that have you had
12 | many occasion to go there?

13 | DETECTIVE DUNLAY: Before that? Yes.
14 | There was --

15 | MAYOR STACK: Many times?

16 | DETECTIVE DUNLAY: Many times.

17 | MAYOR STACK: Okay.

18 | Have you -- is there an issue where in the
19 | kitchen there's no exhaust system or something?
20 | Why they're opening the window?

21 | MR. ARISS: That's what -- we're working
22 | with that. And we did. Before we invest a lot
23 | of money with insulation. That's the -- that's
24 | the reason the neighbor not calling anymore.

25 | MAYOR STACK: Okay.

1 MR. ARISS: Because what I say --

2 MAYOR STACK: When was that done?

3 MR. ARISS: So like maybe five months ago.
4 Right?

5 MR. MARTINEZ: Mmm.

6 MR. ARISS: Five months ago.

7 And new -- we invest -- with, you know, new
8 people, so -- for the noise --

9 MAYOR STACK: What did you do? You put
10 insulation in?

11 MR. ARISS: Insulation. New radio -- meter
12 for -- for the noise. We can meter you can read.

13 MAYOR STACK: Do you have copies and
14 documents to show that you guys did this?

15 MR. ARISS: Right now we no -- we no -- we
16 no have a document.

17 MAYOR STACK: Could you provide that?

18 MR. ARISS: We got -- we got, you know, --

19 MAYOR STACK: Right. Could you provide any
20 documents that you guys have done that?

21 MR. ARISS: We can provide.

22 MAYOR STACK: That the ownership has done
23 that?

24 MR. ARISS: Yeah. Yeah. Of course, yeah.

25 MAYOR STACK: Okay.

1 MR. ARISS: Yes.

2 MAYOR STACK: Mr. Sapienza, you want to put
3 them on also for the 26th and have them provide
4 this and take photographs -- what they've done?

5 MR. SAPIENZA: Yes. I would like to do
6 that. The explanation that they offered is
7 mitigation, --

8 MAYOR STACK: Right.

9 MR. SAPIENZA: -- perhaps mitigation of
10 the --

11 MAYOR STACK: Going forward --

12 MR. SAPIENZA: -- defense.

13 MAYOR STACK: -- I'd like to just see, so
14 the Police don't have to go back there anymore,
15 you're not being summonsed and the problem's
16 rectified for all the neighbors in the area,
17 everybody's happy from that point on.

18 MR. ARISS: Right.

19 MAYOR STACK: You know what I'm saying?

20 MR. ARISS: I understand.

21 MAYOR STACK: So if you can, if you can
22 photograph on the inside what you guys have done,
23 show us any receipts that you have, show us proof
24 what you are doing in the place and bring it back
25 to us.

1 MR. ARISS: Okay.

2 MAYOR STACK: Could you have that prepared
3 for the next meeting?

4 MR. ARISS: Okay.

5 MAYOR STACK: All right?

6 MR. ARISS: We can do that.

7 DETECTIVE DUNLAY: Sir, may I make a
8 recommendation that I think --

9 MAYOR STACK: Sure. Please.

10 DETECTIVE DUNLAY: -- an officer --

11 MAYOR STACK: You -- I mean you guys would
12 know better than anyone what you think they
13 should be doing in there to stop this.

14 DETECTIVE DUNLAY: It would probably be
15 better if an officer or a detective or somebody
16 responds to that area and actually photographs
17 and does the inspection.

18 MAYOR STACK: Could you possibly go out
19 there maybe also and give them some
20 recommendations of what they could do?

21 DETECTIVE DUNLAY: We could set something
22 up.

23 MAYOR STACK: And then give us -- give us a
24 report in writing, Sergeant, after that for the
25 next meeting.

1 DETECTIVE DUNLAY: Understood.

2 MAYOR STACK: That would be for the 26th
3 we're going to need that done.

4 DETECTIVE DUNLAY: Okay.

5 MAYOR STACK: Okay?

6 DETECTIVE DUNLAY: So, --

7 MR. ARISS: Okay.

8 MAYOR STACK: All right?

9 And he'll coordinate with you -- the
10 Sergeant will; okay?

11 MR. ARISS: Okay.

12 MAYOR STACK: You got it.

13 MR. ARISS: It will be good.

14 MAYOR STACK: Thank you very much. Thank
15 you, gentlemen.

16 MR. ARISS: Thank you.

17 MR. MARTINEZ: Okay.

18 MAYOR STACK: Thank you, Sergeant.

19 MR. MARTINEZ: Thank you. Good night.

20 ACTING CITY CLERK: Mayor, there's no other
21 items on the agenda for tonight.

22 MAYOR STACK: And, Mr. Sapienza, all of
23 these will be notified in writing for the 26th.

24 Just double-check their correct addresses
25 please; okay?

1 MR. SAPIENZA: Yes, sir. Will be --

2 MAYOR STACK: Thank you.

3 * * *

4

5 **ADJOURNMENT:**

6

7 ACTING CITY CLERK: Is there a motion to
8 adjourn?

9 MAYOR STACK: Motion.

10 COMMISSIONER RIVAS: Second.

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

13 Second by Commissioner Rivas.

14 All in favor?

15

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

17

18 MAYOR STACK: Thank you very much everyone.

19

20 (Whereupon, the proceedings were concluded
21 at 7:34 p.m.)

22

23

24

25

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, September 16, 2014, and
10 digitally recorded.

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25 Monitored and Proofread by: Deborah Dillon