

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Islamic Education Center
4613 Cottage Place
Union City, New Jersey

Wednesday, November 5, 2014
Commencing at 7:03 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 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 de los RIOS, ESQ.
Corporation Counsel

SUSAN COLDITZ, Chief Financial Officer

SOL VILLON, Interpreter

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

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

RICHARD P. CROSSIN, ESQ.,
Attorney for Wendy C. Diaz,
t/a Tropical Bar & Restaurant

CARLOS RENDO, ESQ.,
Attorney for IL Paradiso Corp.,
t/a Il Paradiso

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2 IL PARADISO CORP. t/a IL PARADISO, 1108 Summit
3 Avenue

5 WITNESS

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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 Wednesday, November
4 5th, 2014, at seven p.m., at the Islamic Education
5 Center, 4613 Cottage Place, Union City, New
6 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, the date, location and the agenda, to the
20 extent known, was forwarded to The Jersey
21 Journal, The Record, and The Hudson Reporter, was
22 made available --

23 Sorry.

24 -- has been posted on the bulletin board in
25 City Hall and has been made available to the

1 public in the office of Municipal Clerk.

2

3 **ROLL CALL:**

4

5 ACTING CITY CLERK: Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Here.

8 ACTING CITY CLERK: Commissioner Rivas?

9 COMMISSIONER RIVAS: Here.

10 ACTING CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Here.

12 ACTING CITY CLERK: Commissioner

13 Martinetti?

14 COMMISSIONER MARTINETTI: Here.

15 ACTING CITY CLERK: Mayor Stack?

16 MAYOR STACK: Here.

17

18 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**

19 **OCTOBER 6, 2014:**

20

21 ACTING CITY CLERK: First item is approval
22 of previous meeting minutes; meeting held on
23 October 6, 2014.

24 Is there a motion to approve?

25 MAYOR STACK: Motion.

1 ACTING CITY CLERK: Motion --

2 COMMISSIONER MARTINETTI: Second.

3 ACTING CITY CLERK: -- made by Mayor Stack.

4 Second by Commissioner Martinetti.

5 Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Here.

8 ACTING CITY CLERK: Commissioner Rivas?

9 COMMISSIONER RIVAS: Yes.

10 ACTING CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Yes.

12 ACTING CITY CLERK: Commissioner

13 Martinetti?

14 COMMISSIONER MARTINETTI: Yes.

15 ACTING CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17

18 **ORDINANCES FOR HEARING AND ADOPTION**

19 **CONSIDERATION:**

20

21 1. AN ORDINANCE AMENDING SCHEDULE VIII TO
22 SECTION 16-4.4 OF THE CODE OF THE CITY OF UNION
23 CITY ENTITLED "TRAFFIC RESTRICTIONS" TO ADD STOP
24 INTERSECTION

25

1 ACTING CITY CLERK: Next item's Ordinances
2 for Hearing and Adoption Consideration.

3 First Ordinance an Ordinance Amending
4 Schedule VIII of 16-4.4 of the Code of the City
5 of Union City Entitled Traffic Restrictions to
6 Add a Stop Intersection.

7 MAYOR STACK: Where are these located at?

8 MS. de los RIOS: These are at 19th and
9 Bergenline --

10 MAYOR STACK: Okay.

11 MS. de los RIOS: -- 27th and Bergenline.

12 MAYOR STACK: 19th and Bergenline; 27th and
13 Bergenline.

14 MS. de los RIOS: Um-hum.

15 MAYOR STACK: Okay.

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

19 Seeing none.

20 ACTING CITY CLERK: Is there a motion --

21 MAYOR STACK: Motion.

22 ACTING CITY CLERK: -- to close public
23 hearing?

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: Motion by Mayor Stack.

1 Second by Commissioner Valdivia.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 ACTING CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner

10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14 ACTING CITY CLERK: Is there a motion to

15 adopt?

16 MAYOR STACK: Motion.

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 COMMISSIONER RIVAS: Yes.

2 ACTING CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

9

10 **ORDINANCES FOR HEARING AND ADOPTION**

11 **CONSIDERATION:**

12

13 2. STATE FISCAL YEAR 2015 ORDINANCE TO EXCEED
14 THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
15 ESTABLISH A CAP BANK (N.J.S.A. 49A:4-45.14)

16

17 ACTING CITY CLERK: Second Ordinance is the
18 State Fiscal Year 2015 Ordinance to Exceed the
19 Municipal Budget Appropriation Limit and to
20 Establish a Cap Bank, N.J.S.A. 49A:4-45.14.

21 MAYOR STACK: Anyone wishing to comment at
22 this time, please step forward.

23 Sue, can you step forward?

24 Just if you could stand --

25 No, just if you could stand right over

1 | there.

2 | That's fine.

3 | MR. PRICE: Just a quick question.

4 | MR. DILLON: Just your name, sir.

5 | MR. PRICE: Oh, I'm sorry; Larry Price,
6 | 1006 Palisade Avenue.

7 | Just a question.

8 | We're adopting an Ordinance permitting us
9 | to exceed the State appropriation limits
10 | established by the State?

11 | I'm not --

12 | MS. COLDITZ: Is this on the temporary
13 | budget?

14 | MS. de los RIOS: It's a temporary.

15 | MS. COLDITZ: The emergency?

16 | ACTING CITY CLERK: Right. Yes.

17 | MAYOR STACK: Yes, it is.

18 | MS. COLDITZ: No, this is --

19 | MR. DILLON: Excuse me; can I just have
20 | your name for the --

21 | MS. COLDITZ: Susan Colditz, I'm the CFO
22 | for the City.

23 | MR. DILLON: Yeah, I know who you are.

24 | But --

25 | MS. COLDITZ: Okay.

1 MR. DILLON: -- for my record.

2 Thank you.

3 MS. COLDITZ: What that is, alls that's
4 doing is -- we have a temporary budget.

5 MR. PRICE: Yes.

6 MS. COLDITZ: And every time we have to
7 increase it until we adopt, we have to do an
8 emergency appropriation.

9 So alls it's doing is increasing the
10 temporary budget, which we're only allowed I
11 think 26.5 percent to start out with.

12 So until we adopt it, we have to increase
13 the line so we don't overspend.

14 MR. PRICE: Well, I've seen those before
15 but this -- the caption is State Fiscal Year, you
16 know, 2015, --

17 MS. COLDITZ: Right.

18 MR. PRICE: Which is what we're in now.

19 MS. COLDITZ: Right.

20 MR. PRICE: -- Ordinance to Exceed the
21 Municipal Budget Appropriation Limits.

22 MS. COLDITZ: Well, that's the limits on
23 the temporary budget; not the actual adopted
24 budget.

25 MAYOR STACK: This is all on the temporary

1 budget.

2 MS. COLDITZ: It's only a temporary budget.

3 MR. PRICE: Okay.

4 MS. COLDITZ: Okay?

5 MR. PRICE: Thank you.

6 MAYOR STACK: Anyone else wishing to
7 comment at this time, please step forward, state
8 your name and address for the record.

9 Seeing none.

10 ACTING CITY CLERK: Is there a motion to
11 close public hearing comment?

12 MAYOR STACK: Motion.

13 COMMISSIONER FERNANDEZ: Second.

14 ACTING CITY CLERK: Mayor Stack.

15 Second by Commissioner Fernandez.

16 Roll call.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 ACTING CITY CLERK: Commissioner Rivas?

20 COMMISSIONER RIVAS: Yes.

21 ACTING CITY CLERK: Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 ACTING CITY CLERK: Commissioner

24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 ACTING CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3 ACTING CITY CLERK: Is there a motion to
4 adopt?

5 COMMISSIONER MARTINETTI: Motion.

6 ACTING CITY CLERK: Motion by Commissioner
7 Martinetti.

8 COMMISSIONER VALDIVIA: Second.

9 ACTING CITY CLERK: Second by Commissioner
10 Valdivia.

11 Roll call.

12 Commissioner Fernandez?

13 COMMISSIONER FERNANDEZ: Yes.

14 ACTING CITY CLERK: Commissioner Rivas?

15 COMMISSIONER RIVAS: Yes.

16 ACTING CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner
19 Martinetti?

20 COMMISSIONER MARTINETTI: Yes.

21 ACTING CITY CLERK: Mayor Stack?

22 MAYOR STACK: Yes.

23

24 **CONSENT AGENDA:**

25

- 1 (1) Resolution Approving the Payment of Claims
- 2 (2) Resolution Approving the Payment of
- 3 Concurring Claims
- 4 (3) Resolution Approving the City Payroll for
- 5 the Period of October 22, 2014 through November
- 6 4, 2014
- 7 (4) Resolution Approving the Library Payroll
- 8 for the Period of October 22, 2014 through
- 9 November 4, 2014
- 10 (5) Resolution Authorizing the Submission of
- 11 the 2013 Municipal Recycling Tonnage Grant
- 12 Application
- 13 (6) Resolution Appointing Two Union City
- 14 Residents to the Union City Public Library's
- 15 Board of Trustees
- 16 (7) Resolution Re-Appointing Member to the
- 17 Governing Body of the Union City Parking
- 18 Authority
- 19 (8) Resolution Re-Appointing Member to the Rent
- 20 Stabilization Board
- 21 (9) Resolution Approving Disciplinary
- 22 Proceedings Against Park Avenue Bar & Grill t/a
- 23 Park Avenue Bar & Grill LLC, Located at 3417 Park
- 24 Avenue, Liquor License No. 0910-33-119-004
- 25 (10) Resolution Approving Disciplinary

1 Proceedings Against Azucar Club t/a Azucar Club,
2 Inc., Located at 421-43rd Street, Liquor License
3 No. 0910-33-003-007

4 (11) Resolution Approving (sic) Disciplinary
5 Proceedings Against California Café Restaurant
6 t/a California Café, Located at 2002 Bergenline
7 Avenue, Liquor License No. 0910-33-021-008

8 (12) Resolution to Approve Contract for
9 Replacement of Relay Between Police Headquarters
10 and Precincts

11 (13) Resolution to Authorize Extension of Lease
12 Agreement with AR James for the Construction of
13 Bus Shelters

14 (14) Resolution Authorizing the Acting City
15 Clerk to Advertise for the Receipt of Bids for
16 the Repairs of the DPW JC 426 Loader

17 (15) Resolution Approving State Contract with
18 Cliffside Body Corporation for Purchase of
19 Spreaders

20 (16) Resolution Authorizing Refund of Redemption
21 Monies to Outside Lienholders

22 (17) Resolution Authorizing the Refund of
23 Premium Monies Collected at the Tax Sale

24 (18) Resolution Authorizing Refund of a Tax
25 Appeal Issued by the Tax Court of New Jersey

1 (19) Any other matter of City business that may
2 arise

3

4 ACTING CITY CLERK: Next item is a Consent
5 Agenda. We have 18 items on the Consent Agenda.

6 The first item is a Resolution Approving
7 the Payment of Claims.

8 Second item.

9 Resolution Approving the Payment of
10 Concurring Claims.

11 Third item.

12 Resolution Approving the City Payroll for
13 the Period of October 22nd, 2014 through November
14 4th, 2014.

15 Item 4.

16 Resolution Approving the Library Payroll
17 for the Period of October 22nd, 2014 through
18 November 4th, 2014.

19 Item 5.

20 Resolution Authorizing the Submission of
21 the 2013 Municipal Recycling Tonnage Grant
22 Application.

23 Item 6.

24 Resolution Appointing Two Union City
25 Residents to the Union City Public Library's

1 Board of Trustees.

2 Item 7.

3 Resolution Re-Appointing Member to the
4 Governing Body of the Union City Parking
5 Authority.

6 Item 8.

7 Resolution Re-Appointing Member to the Rent
8 Stabilization Board.

9 Item 9.

10 Resolution Approving Disciplinary
11 Proceedings Against Park Avenue Bar and Grill,
12 also known as Park Avenue Bar and Grill LLC,
13 Located at 3417 Park Avenue, Liquor License
14 Number 0910-33-119-004.

15 Item 10.

16 Resolution Approving Disciplinary
17 Proceeding Against Azucar Club, also known as
18 Azucar Club, Inc., Located at 421-43rd Street,
19 Liquor License Number 0910-33-003-007.

20 Item 11.

21 Resolution Dismissing (sic) Disciplinary
22 Proceedings Against California Café Restaurant,
23 also known as California Café, Located at 2002
24 Bergenline Avenue, Liquor License Number 0910-33-
25 021-008.

1 Item 12.

2 Resolution to Approve Contract for
3 Replacement of Relay Between Police Headquarter
4 and Precincts.

5 Item 13.

6 Resolution to Authorize Extension of Lease
7 Agreement with AR James for the Construction of
8 Bus Shelters.

9 Item 14.

10 Resolution Authorizing the Acting City
11 Clerk to Advertise for the Receipt of Bids for
12 the Repairs of the DPW JC 426 Loader.

13 Item 15.

14 Resolution Approving State Contract with
15 Cliffside Body Corporation for Purchase of
16 Spreaders.

17 Item 16.

18 Resolution Authorizing Refund of Redemption
19 Monies to Outside Lienholders.

20 Item 17.

21 Resolution Authorizing the Refund of
22 Premium Monies Collected at Tax Sale.

23 Item 18.

24 Resolution Authorizing Refund of a Tax
25 Appeal Issued by the Tax Court of New Jersey.

1 Mayor do you wish to take public comment on
2 any item on the Consent Agenda?

3 MAYOR STACK: Sure.

4 Anyone wishing to comment on the Consent
5 Agenda, please step forward, state your name and
6 address for the record.

7 I would just like to point out that the
8 residents that are being appointed to the
9 different Boards, -- the Library Board, the
10 Parking Authority, the Rent Board -- have all
11 just come forward.

12 We've been actively seeking members of the
13 public to come forward and serve on Boards.
14 Anyone who would like to serve on a Board, just
15 send a letter to my office; we'll be more than
16 happy to work with you to get your appointed to
17 one of the Boards in the City.

18 ACTING CITY CLERK: Is there a motion --

19 MAYOR STACK: Motion.

20 ACTING CITY CLERK: -- to close public
21 comment?

22 Motion made by Mayor Stack.

23 COMMISSIONER RIVAS: Second.

24 ACTING CITY CLERK: Second by Commissioner
25 Rivas.

1 Roll call.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 ACTING CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 ACTING CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 ACTING CITY CLERK: Commissioner

9 Martinetti?

10 COMMISSIONER MARTINETTI: Yes.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13 Just before we go on, I'd just like to
14 commend the Commissioners, the Police Department,
15 and most of all the public for coming forward and
16 reporting any of these quality of life violations
17 that we have with some of these liquor
18 establishments.

19 There's disciplinary actions that are
20 tonight but in addition to that we've taken back
21 a large number of licenses in the City. At the
22 last Commission Meeting we took back another
23 license, which is forever retired, on 32nd Street
24 in Union City and it helps clean up the quality
25 of life.

1 Those liquor establishments that run a good
2 establishment, abide by the law, follow all the
3 municipal ordinances and the state laws, we
4 welcome them in the City. But anyone not doing
5 so will not be tolerated.

6 I'd just like to thank the Police
7 Department, specifically. Lieutenant Loaces
8 that's here tonight, has done an excellent job in
9 the follow-up on these establishments and he
10 should be commended, along with the Detective
11 Bureau.

12 Thank you, Lieutenant.

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

15 MAYOR STACK: Motion.

16 MS. de los RIOS: May I state -- just state
17 for the record, with respect to item 1 on the
18 Consent Agenda, Commissioners Martinetti and
19 Fernandez will be recusing themselves as to the
20 line item for payment for legal invoices for Luis
21 Diaz and Adolfo Lopez; and the Redevelopment
22 Agency.

23 With respect to item 2 -- I'm sorry; with
24 respect to item 10, Commissioner Martinetti will
25 also be recusing herself.

1 ACTING CITY CLERK: Okay.

2 Is there a motion to approve all items on
3 the Consent Agenda?

4 MAYOR STACK: Motion.

5 ACTING CITY CLERK: Motion made by --

6 COMMISSIONER VALDIVIA: Second.

7 ACTING CITY CLERK: -- Mayor Stack.

8 Second by Commissioner Valdivia.

9 Roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes with the
12 exception on number 1, Approving Payment of
13 Claims, as it pertains to any item involving the
14 payment to Union City Redevelopment Agency,
15 particularly, page number 4.

16 Otherwise, yes.

17 ACTING CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Aye on all.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Commissioner

22 Martinetti?

23 COMMISSIONER MARTINETTI: With the
24 exceptions noted by the attorney; aye on the
25 rest.

1 ACTING CITY CLERK: Item 4.

2 Mayor Stack?

3 MAYOR STACK: Yes on all.

4 ACTING CITY CLERK: Is there a motion to
5 introduce?

6 COMMISSIONER MARTINETTI: Motion.

7 COMMISSIONER VALDIVIA: Second.

8 ACTING CITY CLERK: Motion made by
9 Commissioner Valdivia (sic).

10 Second by Commissioner Martinetti (sic).

11 MAYOR STACK: What are we --

12 MR. DILLON: You already did that.

13 MAYOR STACK: I'm sorry; what are we
14 introducing?

15 ACTING CITY CLERK: Sorry.

16 MAYOR STACK: I'm sorry.

17 ACTING CITY CLERK: That's my bad.

18 MAYOR STACK: Okay.

19 ACTING CITY CLERK: Take that off. That
20 should be taken off.

21 MR. DILLON: You got it.

22

23 **ORDINANCE (S) FOR INTRODUCTION:**

24

25 () AN ORDINANCE AMENDING CHAPTER 223 "LAND

1 DEVELOPMENT" OF THE CODE OF THE CITY OF UNION
2 CITY
3

4 ACTING CITY CLERK: The next item is an
5 Ordinance for Introduction.

6 The Ordinance will be further considered at
7 a meeting for the Board of Commissioners to be
8 held on November 18, 2014, at seven p.m. at the
9 Bruce D. Walter Recreation Center, 507 West
10 Street, Union City, New Jersey.

11 This Ordinance Amending Chapter 223 Land
12 Development of the Code of the City of Union
13 City.

14 Is there a motion to introduce?

15 MAYOR STACK: Just for the Commissioner's
16 and the public's edification, what exactly are we
17 doing?

18 MS. de los RIOS: Mayor, this is an
19 Ordinance that will --

20 MAYOR STACK: If you could just keep your
21 voice up.

22 MS. de los RIOS: Sure.

23 -- that will add a specific use to those
24 that are now allowable under this Ordinance.

25 So this will be for a multi-level building

1 to -- or residences. Actually 32 units; eight of
2 which will be dedicated to use by the
3 developmentally impaired.

4 MAYOR STACK: Okay, so this is an Ordinance
5 for --

6 Just if you could say it --

7 MS. de los RIOS: Um-hum. Sure.

8 MAYOR STACK: -- if you could repeat that
9 again.

10 MS. de los RIOS: It's actually -- to back
11 up -- it's actually for the property that is
12 located at 3501-3511 on Palisade Avenue. This is
13 the Saint John's property where the parking lot
14 and parish residence.

15 This property -- I'm sorry this Ordinance
16 will allow for the redevelopment of that
17 property.

18 MAYOR STACK: That area right now is zoned
19 for --

20 MS. de los RIOS: It's RM. It is zoned --
21 well, right now, it's a parking lot and the
22 parish home.

23 MAYOR STACK: This is affordable housing
24 project?

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

1 MAYOR STACK: Has that project been
2 approved yet?

3 MS. de los RIOS: Not yet.

4 MAYOR STACK: Not yet. Okay.

5 MS. de los RIOS: This --

6 MAYOR STACK: And we'll have the hearing on
7 that on what date?

8 MS. de los RIOS: Well, --

9 ACTING CITY CLERK: That will be on
10 November 18, at the Bruce D. Walter Recreation
11 Center.

12 MAYOR STACK: Okay.

13 I'll move it.

14 COMMISSIONER FERNANDEZ: Second.

15 ACTING CITY CLERK: Is there a motion?

16 Motion made by Mayor Stack.

17 COMMISSIONER FERNANDEZ: Second.

18 MAYOR STACK: I'll move it.

19 ACTING CITY CLERK: Mayor Stack.

20 Second by Commissioner Fernandez.

21 Roll call.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes.

24 ACTING CITY CLERK: Commissioner Rivas?

25 COMMISSIONER RIVAS: Yes.

1 ACTING CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Commissioner
4 Martinetti?

5 COMMISSIONER MARTINETTI: Yes.

6 ACTING CITY CLERK: Mayor Stack?

7 MAYOR STACK: Yes.

8

9 **REGULAR AGENDA:**

10

11 1. Resolution Approving the Redevelopment
12 Agency Payroll for the Period of October 22, 2014
13 through November 4, 2014

14

15 ACTING CITY CLERK: Next item is the
16 Regular Agenda.

17 First item is Resolution Approving the
18 Redevelopment Agency Payroll for the Period of
19 October 22nd, 2014 through November 4th, 2014.

20 Is there a motion?

21 COMMISSIONER VALDIVIA: Motion.

22 COMMISSIONER MARTINETTI: Second.

23 MAYOR STACK: Second.

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

1 Second by Commissioner Martinetti.

2 Roll call.

3 Commissioner Fernandez?

4 MS. de los RIOS: Recusing.

5 COMMISSIONER RIVAS: Recusing.

6 ACTING CITY CLERK: Recusing.

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 2. Resolution Authorizing Payment of Claim to
20 the Union City Redevelopment Agency

21

22 ACTING CITY CLERK: Next item is Resolution
23 Authorizing Payment of Claim to the Union City
24 Redevelopment Agency.

25 Is there a motion?

1 MAYOR STACK: Motion.

2 ACTING CITY CLERK: Motion by Mayor Stack.

3 COMMISSIONER RIVAS: Second.

4 ACTING CITY CLERK: Second by Commissioner

5 Rivas.

6 Commissioner Fernandez; --

7 MS. de los RIOS: Recusing.

8 ACTING CITY CLERK: -- recusing.

9 Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 ACTING CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 ACTING CITY CLERK: Commissioner

14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18

19 **REGULAR AGENDA:**

20

21 3. Resolution Authorizing an Emergency

22 Temporary Appropriation for the Fiscal Year 2015

23 Budget

24

25 ACTING CITY CLERK: Next item is Resolution

1 Authorizing an Emergency Temporary Appropriation
2 for the Fiscal Year 2015 Budget.

3 Is there a motion?

4 MAYOR STACK: Motion.

5 ACTING CITY CLERK: Motion by Mayor Stack.

6 COMMISSIONER VALDIVIA: Second.

7 ACTING CITY CLERK: Second by Commissioner
8 Valdivia.

9 Roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes; except with
12 anything -- any item pertaining to the Union City
13 Redevelopment Agency.

14 ACTING CITY CLERK: Commissioner Rivas?

15 COMMISSIONER RIVAS: Yes.

16 ACTING CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner
19 Martinetti?

20 COMMISSIONER MARTINETTI: Yes.

21 ACTING CITY CLERK: Mayor Stack?

22 MAYOR STACK: Yes.

23

24 **REGULAR AGENDA:**

25

1 4. Resolution Authorizing the Municipal Budget
2 for State Fiscal Year 2015 to be Read by Title

3

4 ACTING CITY CLERK: Next item, Resolution
5 Authorizing the Municipal Budget of the State
6 Fiscal Year 2014 (sic) to be Read by Title.

7 Is there a motion?

8 MAYOR STACK: Motion.

9 ACTING CITY CLERK: Motion by Mayor Stack.

10 COMMISSIONER VALDIVIA: Second.

11 ACTING CITY CLERK: Second by Commissioner
12 Valdivia.

13 Roll call.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Yes; with the
16 exception of any items pertaining to the Union
17 City Redevelopment Agency and the Board of
18 Education.

19 ACTING CITY CLERK: Commissioner Rivas?

20 COMMISSIONER RIVAS: Yes.

21 ACTING CITY CLERK: Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 ACTING CITY CLERK: Commissioner
24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes with the

1 exception of any items involving the Union City
2 Construction Department, the Board of Education
3 and the firm Ledesma, Diaz, Norris and Lopez.

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

6 MAYOR STACK: Yes.

7

8 **REGULAR AGENDA:**

9

10 5. Hearing and Adoption on the Municipal
11 Budget State Fiscal Year 2015

12

13 ACTING CITY CLERK: Next item is Hearing
14 and Adoption of the Municipal Budget State Fiscal
15 Year 2015.

16 Is there a motion?

17 COMMISSIONER VALDIVIA: Motion.

18 ACTING CITY CLERK: Motion by Commissioner
19 Valdivia.

20 COMMISSIONER MARTINETTI: Second.

21 ACTING CITY CLERK: Second by Commissioner
22 Martinetti.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes with the

1 exception of any item pertaining to Union City
2 Redevelopment Agency and the Board of Education.

3 ACTING CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: Yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner
8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes with the
10 exception of any items referring to Union City
11 Construction Department, Board of Education and
12 the law firm Ledesma, Diaz, Norris and Lopez.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

15

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

17

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

20 MAYOR STACK: Sure.

21 Anyone wishing to comment at this time,
22 please step forward, state your name and address
23 for the record, on any matter concerning
24 municipal government in the City of Union City.

25 Seeing none.

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

3 MAYOR STACK: Motion.

4 ACTING CITY CLERK: Motion --

5 COMMISSIONER FERNANDEZ: Second.

6 ACTING CITY CLERK: -- by Mayor Stack.

7 COMMISSIONER FERNANDEZ: Second.

8 ACTING CITY CLERK: Second Commissioner
9 Fernandez.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 ACTING CITY CLERK: Mayor Stack?

21 MAYOR STACK: Sure.

22 Just before we go into the portion of the
23 meeting for liquor hearings, I would just like to
24 make two comments.

25 Number one, I would just like to thank

1 Susan Colditz for the excellent job she's been
2 doing in the Finance Department. We're very
3 happy to have Susan there now as our Chief
4 Financial Officer; hopefully for many years to
5 come. For as long as I'm the Mayor, I hope she's
6 there. She does an excellent job.

7 And, secondly, I'd like to thank the mosque
8 for allowing us to hold our meeting here tonight.
9 Sam and the members of the mosque are always
10 accommodating to the Commissioners and myself and
11 also to the residents who live in this area and
12 I'd like to thank him very much.

13 Thank you.

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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. Caribe Club Restaurant, Inc. t/a Caribe
6 Club, 727 24th Street, Liquor License No.
7 0910-33-210-005

8 3. Wendy C. Diaz t/a Tropical Bar &
9 Restaurant, 4100 Bergenline Avenue, Liquor
10 License No. 0910-33-060-003

11 4. Bambinas Bar & Restaurant t/a Milagro
12 Ecuadoriano Restaurant, 2906 Bergenline Avenue,
13 Liquor License No. 0910-33-040-009

14

15 ACTING CITY CLERK: Okay, next item is the
16 Liquor License Disciplinary Proceeding.

17 MAYOR STACK: Mr. Farmer?

18 MR. DILLON: Over here, Greg.

19 MR. FARMER: Good evening, --

20 (Whereupon, there was a pause in the
21 proceedings.)

22 MR. FARMER: Good evening, Mayor and
23 Commissioners.

24 There are four matters on your agenda.

25

* * *

1 IL PARADISO CORP. t/a IL PARADISO,
2 1108 SUMMIT AVENUE,
3 LIQUOR LICENSE NO. 0910-33-103-002:
4

5 MR. FARMER: The first one is Il Paradiso.
6 That's going to be contested matter and a
7 trial.

8 Everybody's here; the interpreter's here.

9 Mr. Sapienza of my office is going to
10 handle that because I have a personal thing to
11 get to. He's fully prepared. All the police
12 officers are here.

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1 **WENDY C. DIAZ t/a TROPICAL BAR & RESTAURANT,**
2 **4100 Bergenline Avenue,**
3 **Liquor License No. 0910-33-060-003:**
4

5 MR. FARMER: The next one is Tropical Bar
6 and Restaurant.

7 Mr. Crossin is here. It's my understanding
8 he has been just retained by the licensee and has
9 asked for it to be carried.

10 I think in light of the fact that you're
11 going to have a hearing tonight, sending this --
12 putting this off for -- till the next meeting is
13 not unreasonable.

14 MAYOR STACK: It's not a problem.

15 You want to just enter your name for your
16 appearance, sir?

17 MR. CROSSIN: Altamura and Crossin by
18 Richard Crossin, Union City, on behalf of
19 Tropical.

20 I've discussed the matter with Mr. Farmer.
21 I will immediately discuss it with my client and
22 we'll be ready to dispose of it at the next --

23 MAYOR STACK: That's fine.

24 MR. CROSSIN: -- appearance.

25 MAYOR STACK: Thank you very much, sir.

1 MR. FARMER: Thank you.

2 MAYOR STACK: Thank you for being here.

3 Thank you for attending the meeting. Not
4 like some attorneys that don't even bother to
5 send a letter. We appreciate the fact that you
6 even showed up.

7 MR. CROSSIN: It's good to see you, too,
8 Mayor.

9 MAYOR STACK: Thank you very much.

10 MR. FARMER: It's only a couple of blocks
11 from his office.

12 MAYOR STACK: Thank you.

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1 **BAMBINAS BAR & RESTAURANT t/a MILAGRO ECUATORIANO**
2 **RESTAURANT,**
3 **2906 Bergenline Avenue,**
4 **Liquor License No. 0910-33-040-009:**

5

6 MAYOR STACK: How are you?

7 MR. FARMER: Stand over here.

8 MAYOR STACK: Did we mention the second
9 one, Caribe Club?

10 Is that adjourned, too?

11 MR. FARMER: Caribe Club I'll get to.

12 MAYOR STACK: Okay.

13 MR. FARMER: Okay?

14 I don't --

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

17 (Whereupon, Ms. Villon interpreted English
18 to Spanish and Spanish to English for the
19 licensee, Vilma Majorca).

20 MR. FARMER: This is Bambinas. And it's
21 located at 2906 Bergenline Avenue.

22 The licensee is here with the manager and
23 I've previously spoken to them. And what this is
24 is an underage drinking.

25 A girl was served. She got pretty

1 intoxicated. And the Police were called. And
2 she was taken down to the Police Station.

3 The situation is we've talked about it and
4 we have come to a resolution, which is consistent
5 with past actions of the Board, of a ten day
6 suspension.

7 MAYOR STACK: So it will be ten days?

8 MR. FARMER: Yes.

9 Could you put your names on the record
10 here?

11 MS. DILLON: Please.

12 Could I have your name?

13 MR. ESPINOSA: My name is Edwin Espinosa.

14 MR. DILLON: Could you spell that please?

15 MR. ESPINOSA: Edwin, E-D-W-I-N.

16 MR. DILLON: Ed?

17 MR. ESPINOSA: Edwin.

18 Espinosa, E-S-P-I-N-O-C-A (sic).

19 I'm actually the son. I'm trying to
20 improve the business so by taking over, --

21 MAYOR STACK: Sure.

22 MR. ESPINOSA: -- you know, so --

23 MAYOR STACK: You've understood everything
24 that Mr. -- that Mr. Farmer just said?

25 MR. ESPINOSA: Yeah, we went --

1 MAYOR STACK: Right.

2 MR. ESPINOSA: -- yeah, we went to talk to
3 him and --

4 MAYOR STACK: But did you consult an
5 attorney?

6 Do you want to have an attorney
7 representing you here?

8 MR. ESPINOSA: Not right now because she's
9 -- you know, business is too slow right now and
10 she can't really afford to, you know, get an
11 attorney. So, she -- we decide to take like the
12 ten days or whatever --

13 MAYOR STACK: Okay.

14 And you're agreeing to a ten day
15 suspension, which means you won't be able to sell
16 liquor --

17 MR. ESPINOSA: Yeah. Yeah.

18 MAYOR STACK: -- during those ten days.

19 MR. ESPINOSA: As long as we can have open
20 for food, it should be, you know, no problem. We
21 can, you know, take it for ten days.

22 MAYOR STACK: Okay.

23 MR. ESPINOSA: So, we're trying to, you
24 know, --

25 I'm trying to improve everything on the

1 business. So, you know, I'm taking over because
2 she's running it by herself.

3 MAYOR STACK: Sure.

4 MR. ESPINOSA: I have a different type of
5 business so --

6 MAYOR STACK: I understand.

7 MR. ESPINOSA: -- I'm trying to take it
8 over.

9 MAYOR STACK: And your relationship?

10 MR. ESPINOSA: She's my mom.

11 MAYOR STACK: This is your mom?

12 MR. ESPINOSA: Yeah.

13 MAYOR STACK: And your mom understands
14 exactly what we're doing here?

15 MR. ESPINOSA: Yeah. Yeah.

16 MAYOR STACK: Okay. Okay.

17 MR. FARMER: Just for the record, it should
18 be reflected that this gentleman and his mother
19 came to my office --

20 MAYOR STACK: Okay.

21 MR. FARMER: -- probably about a week ago
22 and we talked about it.

23 MAYOR STACK: Okay.

24 MR. FARMER: And pretty much along the same
25 dialogue that you just had --

1 MAYOR STACK: Right.

2 MR. FARMER: -- with him.

3 MAYOR STACK: Okay.

4 The one thing I just want to tell you is
5 that -- and any time you have a liquor
6 establishment you have to be diligent and
7 obviously protect your investment and protect the
8 people that are coming in to the establishment
9 and make sure you're following all the local and
10 State ABC laws.

11 But in that neighborhood you have a number
12 of liquor licenses that are in the immediate
13 area, so it even makes it more difficult.

14 You have a liquor store across the street.
15 I think the license right next door; --

16 MR. ESPINOSA: Yeah.

17 MAYOR STACK: -- you have a license down
18 the block; one around the corner on 30th and New
19 York Avenue. We've even dedicated a police
20 officer now in that area in the evening hours and
21 he walks the post -- very small post, from 27 to
22 30, 30 over to New York Avenue, and back again.
23 It's only a very small post.

24 So whatever you can do, if there's ever any
25 trouble in the establishment, -- we always look

1 at who calls the Police.

2 If there's anybody even in your
3 establishment causing trouble, please call the
4 Police.

5 You see something outside, please call the
6 Police.

7 MR. ESPINOSA: Yeah, we're trying to help.
8 I got security cameras --

9 MAYOR STACK: Good.

10 MR. ESPINOSA: -- where if something
11 happen, you know, I was like cooperate with the
12 Police.

13 MAYOR STACK: Sure.

14 MR. ESPINOSA: I say, you know, show them
15 whatever's going on. So I have no problem with
16 that.

17 I'm trying to run; taking over. I mean I'm
18 looking out for the business right now --

19 MAYOR STACK: Sure.

20 MR. ESPINOSA: -- because, you know, --

21 MAYOR STACK: Sure.

22 MR. ESPINOSA: -- obviously, like I said
23 she can't really handle it.

24 MS. VILLON: The mom just said something.

25 She said not that she's making any excuses

1 | but that the young lady who presented an ID was
2 | actually a false ID.

3 | MAYOR STACK: Right. Right. I understand.

4 | MR. ESPINOSA: I mean most of the time she
5 | can't really, you know, have control over
6 | everything.

7 | MAYOR STACK: Right.

8 | MR. ESPINOSA: That day she was working by
9 | herself, you know, and -- you know, like she
10 | can't really control like 24 people going in --

11 | MAYOR STACK: Sure.

12 | MR. ESPINOSA: You know. Sometimes it's
13 | really hard to --

14 | MAYOR STACK: Sure.

15 | MR. ESPINOSA: -- to control.

16 | But --

17 | MAYOR STACK: Just try your best. If
18 | you --

19 | MR. ESPINOSA: I'm trying.

20 | MAYOR STACK: -- can be there or have
21 | security there, I think that would be a good step
22 | in the right direction.

23 | MR. ESPINOSA: Yeah, we have one. So, --

24 | MAYOR STACK: You know?

25 | MR. ESPINOSA: -- now we're going --

1 MAYOR STACK: Especially that you have
2 those other liquor establishments --

3 MR. ESPINOSA: Yeah.

4 MAYOR STACK: -- and the people are going
5 from place --

6 MR. ESPINOSA: Yeah, they --

7 MAYOR STACK: -- to place.

8 MR. ESPINOSA: -- bounce from place to
9 place.

10 MAYOR STACK: Exactly.

11 MR. ESPINOSA: So that's a problem. That's
12 one of the problems that's happened on that area.
13 You know, they bouncing from here to there.

14 MAYOR STACK: Right.

15 MR. ESPINOSA: And sometimes, you know,
16 like they're already almost drunk. So, they come
17 into --

18 MAYOR STACK: Right.

19 MR. ESPINOSA: -- one o'clock, say -- you
20 know, and they say oh you served this guy, you
21 know, --

22 MAYOR STACK: Sure.

23 Even when they come in and you see that
24 they're intoxicated and they won't leave, --

25 MR. ESPINOSA: Yeah.

1 MAYOR STACK: -- immediately call the
2 Police Department.

3 MR. ESPINOSA: Oh, okay.

4 MAYOR STACK: Immediately.

5 MR. ESPINOSA: So we're not have no
6 problem, you know like calling you for --

7 MAYOR STACK: Right.

8 MR. ESPINOSA: -- many times --

9 MAYOR STACK: Right.

10 MR. ESPINOSA: -- because, you know, --
11 it's not going to be in our record like --

12 MAYOR STACK: Sure.

13 MR. ESPINOSA: -- show we call you ten
14 times for you know, --

15 MAYOR STACK: Sure.

16 No, when --

17 MR. ESPINOSA: These people that come in,
18 you know they're already intoxicated, --

19 MAYOR STACK: Sure.

20 MR. ESPINOSA: -- and I try to refuse to
21 sell them and they -- you know, they -- they
22 approach with attitude.

23 MAYOR STACK: Right.

24 MR. ESPINOSA: I don't want to have problem
25 with --

1 MAYOR STACK: Just be clear though, when
2 you call the Police, be clear. Tell them, say
3 I'm the owner's son of the establishment. You
4 know, where it's located. The name of the
5 establishment. Somebody just came in
6 intoxicated, we'd like them -- we'd like
7 assistance removing them.

8 That's all recorded. And we'll take that
9 into consideration should you get an ABC
10 violation. That important.

11 MR. ESPINOSA: Oh, okay. Yeah.

12 MS. VILLON: And Ms. Majorca had a
13 question.

14 She wanted to know how is it allowed that
15 another establishment with a liquor license so
16 close to her door was allowed to open?

17 MAYOR STACK: I think the law is within 200
18 feet.

19 Right? Am I correct?

20 MR. ESPINOSA: It's right next door.

21 MAYOR STACK: I don't know.

22 Mr. Farmer, you know?

23 MR. FARMER: Well, in answer to that
24 question, no I don't know. But I don't think it
25 really makes too much difference. Even if it's

1 within 200 feet, it would appear to me that this
2 was done a long, long time ago. Like many of the
3 establishments, many of the locations were done a
4 long, long time ago. Just like you just
5 mentioned the fact of how many liquor licenses --

6 THE INTERPRETER: A new business --

7 MAYOR STACK: There's a lot there.

8 MR. FARMER: -- are in a small area.

9 Now they may all not be --

10 THE INTERPRETER: New business that opened
11 two years ago.

12 MAYOR STACK: Right. Right.

13 MR. FARMER: Okay.

14 MS. MAJORCA: (In English) I have my
15 business 19 years. (Indiscernible) -- two, three
16 years.

17 MAYOR STACK: Right.

18 MS. MAJORCA: (In English) That is not --
19 (indiscernible). I don't know --
20 (indiscernible) -- second door is.

21 MAYOR STACK: Right.

22 THE INTERPRETER: She said from the other
23 business they get drunk and they come and cause
24 problems at her business.

25 MAYOR STACK: Right.

1 Just please though, when you have that
2 going on, please call the Police immediately.

3 And, you know, most times, 95 percent of
4 the time we have an officer right in that area.

5 THE INTERPRETER: I wanted to tell my, our
6 Mayor, Mr. Brian Stack. Yes, thank you very
7 much, the two officers that did come and they
8 make their rounds.

9 MAYOR STACK: Yes.

10 THE INTERPRETER: And I want to thank you
11 for that.

12 MS. MAJORCA: (In English) In the morning
13 they too and they -- (indiscernible) --

14 THE INTERPRETER: To three, four o'clock in
15 the morning, I don't know if they're coming from
16 New York City --

17 MR. ESPINOSA: She don't know.

18 THE INTERPRETER: -- or what it is but they
19 come and they hang --

20 MR. ESPINOSA: Another thing, like --

21 THE INTERPRETER: -- out.

22 MR. ESPINOSA: -- and the corner store,
23 like Fiji's 24 hours --

24 MAYOR STACK: That was another place I was
25 just going to mention.

1 MR. ESPINOSA: There's always hanging
2 around and --

3 MAYOR STACK: Yes.

4 MR. ESPINOSA: -- overnight and, you know.

5 We appreciate you put a cop on there but --

6 MAYOR STACK: Yes.

7 MR. ESPINOSA: -- since you guys move out
8 of 27th there's most activity at that time and --

9 MAYOR STACK: I was just going to mention
10 that. I'm glad that you brought that up.

11 The fact -- we're going to look to put a
12 trailer, a temporary Police Station in the area.
13 It's probably going to be right off the corner of
14 29th. On the same side of the street as you but
15 the next corner; --

16 MR. ESPINOSA: Okay.

17 MAYOR STACK: -- 29th and Bergenline; it
18 will be on the corner. It will manned 24/7.

19 MR. ESPINOSA: All right.

20 MAYOR STACK: That -- I'm hoping to have
21 that happen by the end of the month.

22 MR. ESPINOSA: Okay.

23 MAYOR STACK: We've been looking for a
24 location. We thought we had a couple good spots
25 and it didn't work out.

1 MR. ESPINOSA: Yeah, --

2 MAYOR STACK: We're going to put a -- we'll
3 put a trailer on that corner.

4 MR. ESPINOSA: Yeah. As soon as you guys
5 move out there, you know, there's more
6 activity --

7 MAYOR STACK: Yes.

8 MR. ESPINOSA: -- hanging around. There's
9 always problems, you know, so.

10 MAYOR STACK: The Chief just spoke to me
11 about that today. We will have that back there
12 probably within a month. As soon as we have the
13 trailer, you'll see it right on that corner.

14 MR. ESPINOSA: Oh, okay. Okay.

15 MAYOR STACK: And that will help everybody.

16 MS. MAJORCA: (In English) My neighbor's
17 Mr. --

18 THE INTERPRETER: The gentlemen is her
19 neighbor --

20 COMMISSIONER VALDIVIA: I know --

21 MAYOR STACK: He lives right in the same
22 area. He lives right there.

23 COMMISSIONER VALDIVIA: She's a very
24 hardworking woman.

25 MS. MAJORCA: (In English) Yes. In the

1 street much people good. No?

2 MR. DILLON: Could you speak up? She has
3 to speak up. I'm trying to record.

4 COMMISSIONER VALDIVIA: I know her for many
5 years.

6 MR. ESPINOSA: And also the dates that we
7 get the suspension, we had to choose which dates
8 it's going to be -- I mean we're trying to see --

9 MR. FARMER: I indicated, as we normally do
10 with suspensions, that the licensee can pick the
11 dates. Not --

12 MAYOR STACK: Sure.

13 MR. FARMER: Not tell us it's going to be
14 July 4th --

15 MAYOR STACK: Right.

16 MR. FARMER: -- but within reason.

17 MAYOR STACK: No, but you'll work that out?

18 MR. FARMER: Yes.

19 MAYOR STACK: You'll work that out.

20 MR. FARMER: As we always do.

21 MAYOR STACK: Okay.

22 I'll make the motion to approve.

23 ACTING CITY CLERK: Motion by Mayor Stack.

24 COMMISSIONER RIVAS: Second.

25 ACTING CITY CLERK: Second by Commissioner

1 Rivas.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Abstain.

5 ACTING CITY CLERK: Commissioner Fernandez
6 abstaining.

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 Thank you very much. Thank you. Thank you
17 very much. Thank you, sir.

18 MR. FARMER: Okay.

19 (Whereupon, there was a pause in the
20 proceedings.)

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1 **CARIBE CLUB RESTAURANT, INC. t/a CARIBE CLUB,**
2 **727 24th Street,**
3 **Liquor License No. 0910-33-210-005:**
4

5 MR. FARMER: I'd like to address number 2,
6 Caribe Club.

7 I'm going to recommend that this be
8 dismissed. Let me tell you what the story is.

9 Story is a guy and a woman are sitting at a
10 table. A woman walks in. Apparently there might
11 have been a triangle there. She rushes towards
12 the woman to grab her. They're quickly
13 separated. She's escorted out.

14 This happened on July 4th and apparently
15 the Police had a big presence throughout the City
16 on July 4th, so as a result a lot of police
17 officers showed up for this -- what turned out to
18 be a very minor incident. And it was really hard
19 to find out who had any kind of knowledge.

20 But I've spoken to Chief Molinari. I've
21 spoken to Captain Luster. I've spoken to
22 Sergeant Bergbauer . And tonight I spoke to
23 Captain Wolpert (phonetic). And they're all in
24 agreement that it was insignificant spontaneous
25 episode and they have no objection to it being

1 dismissed.

2 MAYOR STACK: I'll make a motion.

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

5 COMMISSIONER MARTINETTI: Second.

6 ACTING CITY CLERK: Second by Commissioner
7 Martinetti.

8 Roll call.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 ACTING CITY CLERK: Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 ACTING CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 ACTING CITY CLERK: Commissioner
16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20 * * *

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1 IL PARADISO CORP. t/a IL PARADISO,
2 1108 SUMMIT AVENUE,
3 LIQUOR LICENSE NO. 0910-33-103-002:
4

5 MR. FARMER: And that brings you back to
6 where we started; Il Paradiso.

7 (Whereupon, there was a pause in the
8 proceedings.)

9 (Whereupon, Ms. Villon interpreted English
10 to Spanish and Spanish to English for the
11 licensee, Luis T. Contreras.)

12 MAYOR STACK: Mr. Sapienza?

13 MR. SAPIENZA: Charles Sapienza, appearing
14 on behalf of the Union City ABC Board.

15 This is the matter of Union City versus
16 Il Paradiso Corp. The holder of license number
17 0910-33-013(sic)-002.

18 My first witness is Lieutenant John Loaces.

19 MR. DILLON: Could I have your name for the
20 record?

21 MR. RENDO: I'm here for Il Paradiso;
22 Carlos Rendo; Mulkey and Rendo, North Bergen, New
23 Jersey.

24 MR. DILLON: Thank you.

25 MAYOR STACK: You want to maybe bring some

1 chairs up and we can them to sit down maybe?

2 MR. RENDO: Yeah, maybe I'll --

3 MAYOR STACK: Yeah.

4 MR. RENDO: -- sit down, yeah.

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

7 MR. DILLON: Can I have your name for the
8 record?

9 LIEUTENANT LOACES: Lieutenant Loaces, L-O-
10 A-C-E-S, the Union City Police Department.

11 MR. DILLON: Please raise your right hand.

12 Swear the testimony you're about to give is
13 the truth, the whole truth and nothing but the
14 truth?

15 LIEUTENANT LOACES: I do.

16 MR. DILLON: Thank you.

17 MR. SAPIENZA: Lieutenant Loaces, I refer
18 to the date of June 7th, 2014.

19 Were you on duty on that evening?

20 LIEUTENANT LOACES: I was.

21 MR. SAPIENZA: As part of your duty were
22 you required --

23 MAYOR STACK: Just if we could just keep
24 our voices up.

25 LIEUTENANT LOACES: Certainly.

1 MR. SAPIENZA: As part of your duty were
2 you required to respond to 1108 Summit Avenue?

3 LIEUTENANT LOACES: Yes.

4 MR. SAPIENZA: Is there a business located
5 there?

6 LIEUTENANT LOACES: There is.

7 MR. SAPIENZA: What's the name of that
8 business?

9 LIEUTENANT LOACES: Padada (phonetic)?
10 Paradiso; I'm sorry. Paradiso.

11 MR. SAPIENZA: And is that a liquor license
12 establishment?

13 LIEUTENANT LOACES: It is.

14 MR. SAPIENZA: Did you respond by yourself
15 or with you with any other officers?

16 LIEUTENANT LOACES: I was in the company of
17 Sergeant Quayar (phonetic) and Detective Mendez
18 -- Mendoza.

19 MR. SAPIENZA: When you responded, what
20 time of the day or night was it?

21 Approximately, what time?

22 LIEUTENANT LOACES: I don't recall the
23 exact time. It was the evening.

24 MR. SAPIENZA: When you responded there
25 what did you see?

1 LIEUTENANT LOACES: We entered the
2 establishment. We spoke to the gentleman behind
3 the bar. We requested the proper ABC paperwork.
4 In doing so Sergeant Quayar and Detective Mendoza
5 spoke with the licensee.

6 I decided to take a walk to the back of the
7 establishment. In a back room I observed a few
8 tables. At those -- at one table I observed a
9 male and a female. Approximately two tables away
10 from them, at a table in the corner, there was a
11 male sitting there alone who was slouched over
12 with his head resting on the table itself.

13 MR. SAPIENZA: Did you ask that man to
14 identify himself?

15 LIEUTENANT LOACES: Well prior to that, as
16 I walked over, the couple that was sitting two
17 tables away looked at me and apparently they were
18 surprised by my presence.

19 I identified myself; I told them I was a
20 police officer, there was no need to be
21 concerned. They noticed that I was walking
22 towards the gentleman who was -- had his head
23 resting on the table. The male in the couple
24 basically made a motion with his hand across his
25 neck kind of symbolizing or indicating what --

1 | how I -- how I interpreted it that that gentleman
2 | was out.

3 | I walked up to that gentleman who I stated
4 | and had his head on the table. He appeared to be
5 | asleep. I attempted to wake him, first by
6 | speaking to him. I spoke to him in Spanish. I
7 | spoke to him in English. I got no response.

8 | At that point I touched his shoulder. I
9 | tried shaking him. After several attempts at
10 | shaking him and trying to get his attention,
11 | speaking louder and louder and louder, I finally
12 | got him to move. He acknowledged that I was
13 | there. He grunted, for lack of a better term, or
14 | mumbled, something under his breath, still with
15 | his head face down on the table.

16 | I asked him if he -- if he was okay, if he
17 | needed anything; I told him I was the Police. He
18 | seemed not to be able to grasp my presence there
19 | or what I was trying to ask of him. He did not
20 | seem coherent. He -- his attempts or his
21 | response to me was dismissive.

22 | I kept insisting that I was the Police and
23 | I was there to help him; if I could get him an
24 | ambulance; if he needed anything. He was very
25 | dismissive; did not really want to engage me in

1 conversation and kept his head on the table.

2 I insisted to find out who he was or if he
3 needed any medical assistance. At some point,
4 after several minutes of going back and forth to
5 this gentleman, he attempted to stand up. In
6 doing so, he could not stand. He fell back into
7 his chair. I directed him to sit back down and
8 relax.

9 I then walked to the front of the
10 establishment where Sergeant Quayar was and
11 Detective Mendoza. I advised them of the
12 gentleman that was in the back who was obviously,
13 in my opinion, highly intoxicated. And I
14 requested that an ambulance respond to check out
15 the male immediately.

16 MR. SAPIENZA: Did you observe the
17 gentleman consuming any alcoholic beverages?

18 LIEUTENANT LOACES: No.

19 MR. SAPIENZA: Were there any alcoholic
20 beverages located on the table where he was
21 resting?

22 LIEUTENANT LOACES: No there was not.

23 MR. SAPIENZA: Did you detect any odors
24 emanating from him?

25 LIEUTENANT LOACES: Absolutely. He did

1 | smell of an alcoholic beverage, --

2 | MR. SAPIENZA: And were you able --

3 | LIEUTENANT LOACES: -- which was coming
4 | through his pores and also when he spoke to me I
5 | could smell it.

6 | MR. SAPIENZA: Could you understand what he
7 | was saying?

8 | LIEUTENANT LOACES: No.

9 | MR. SAPIENZA: What ultimately happened to
10 | this gentleman?

11 | LIEUTENANT LOACES: As this is going on and
12 | we're waiting for the EMS unit to arrive on
13 | scene, something draws my attention -- I don't
14 | recall exactly if it was something I noticed or
15 | if it was something that came over the radio of
16 | an incident that was occurring literally down the
17 | block just south of the intersection of 11th and
18 | Summit.

19 | I immediately stepped out; saw a large
20 | group outside this establishment. I advised
21 | Sergeant Quayar and Detective Mendoza that I was
22 | going to go and investigate. I saw -- I
23 | basically jogged down the block quickly and I
24 | dealt with that situation, which turned out to be
25 | a domestic dispute.

1 MR. SAPIENZA: Did you return to the 1108
2 Summit Avenue location?

3 LIEUTENANT LOACES: I did after
4 approximately I'd say 15 to 20 minutes later. At
5 which time the ambulance had already taken this
6 man.

7 MR. SAPIENZA: Okay.

8 Did you have any conversations about the
9 gentleman with anyone inside the bar?

10 LIEUTENANT LOACES: With the licensee.

11 MR. SAPIENZA: And who is that?

12 LIEUTENANT LOACES: This gentleman right
13 here.

14 MR. SAPIENZA: What conversations did you
15 have with him?

16 LIEUTENANT LOACES: I asked him if he was
17 aware of how intoxicated that man was back there
18 and that a bare minimum he needed to get him some
19 kind of medical attention.

20 MR. SAPIENZA: What did the licensee say to
21 you?

22 LIEUTENANT LOACES: Basically, I don't
23 know, I don't know anything about that, I don't
24 -- I don't know, I don't know what you're talking
25 about.

1 MR. SAPIENZA: Your witness.

2 MR. RENDO: Lieutenant Loaces, --

3 LIEUTENANT LOACES: Yes?

4 MR. RENDO: -- it was your testimony that
5 you didn't see this gentleman sell -- you didn't
6 see the licensee, my client, sell any alcohol to
7 this gentlemen?

8 LIEUTENANT LOACES: That is correct.

9 MR. RENDO: You didn't see him serve any
10 alcohol to this gentleman?

11 LIEUTENANT LOACES: That is correct.

12 MR. RENDO: You didn't see him deliver any
13 alcohol to this gentleman?

14 LIEUTENANT LOACES: Once again, correct.

15 MR. RENDO: All right.

16 You didn't see him allow or permit the sale
17 of any alcohol to this gentleman?

18 LIEUTENANT LOACES: Suffer, yes; allow and
19 permit, no.

20 MR. RENDO: Right.

21 When you walked in you basically saw this
22 gentleman sleeping at a table.

23 Correct?

24 LIEUTENANT LOACES: Sleeping, passed out.

25 Based on my knowledge after the fact, I don't --

1 sleeping was my initial assessment; upon trying
2 to get his attention, it was more of being passed
3 out.

4 MR. RENDO: Did you inquire from this
5 gentleman if he was drinking at another
6 establishment?

7 LIEUTENANT LOACES: He was incoherent.

8 MR. RENDO: Okay.

9 So you don't know if he had been drinking
10 somewhere else neither because he was incoherent?

11 LIEUTENANT LOACES: Correct.

12 MR. RENDO: Okay.

13 Okay, no further questions.

14 MR. SAPIENZA: Officer Mendoza, please step
15 forward.

16 MR. DILLON: Please place -- raise your
17 right hand.

18 Swear the testimony you're about to give is
19 the truth, the whole truth, nothing but the
20 truth?

21 DETECTIVE MENDOZA: Yes.

22 MR. DILLON: Okay, just state -- spell your
23 name for the record.

24 DETECTIVE MENDOZA: Detective Peter
25 Mendoza, M-E-N-D-O-Z-A, with the Union City

1 Police Department.

2 MR. DILLON: Thank you, sir.

3 MR. SAPIENZA: On June 7th, 2014, Officer,
4 were you on duty?

5 DETECTIVE MENDOZA: Yes.

6 MR. SAPIENZA: And were you in the vicinity
7 of 1108 Summit Avenue?

8 DETECTIVE MENDOZA: That's correct.

9 MR. SAPIENZA: Now what made you respond to
10 that particular location?

11 DETECTIVE MENDOZA: We were instructed --
12 myself and Detective Rengel were instructed to --
13 to go to that location to conduct a tavern check
14 of the establishment.

15 MR. SAPIENZA: That instruction, who gave
16 it to you?

17 DETECTIVE MENDOZA: Lieutenant Loaces.

18 MR. SAPIENZA: Now at what time of the day
19 or night did you respond to this location?

20 DETECTIVE MENDOZA: I --

21 MR. SAPIENZA: Approximately.

22 DETECTIVE MENDOZA: -- don't recall the
23 time. I know it was at night before a bar
24 closes.

25 MR. SAPIENZA: When you got there what did

1 | you see?

2 | DETECTIVE MENDOZA: As we entered the
3 | establishment, Lieutenant Loaces was there,
4 | Captain Luster; myself and Detective Rengel
5 | entered the establishment. Detective Quayar
6 | immediately followed us in.

7 | I saw the owner, who's here today, behind
8 | the bar. There was few customers sitting down,
9 | as well as -- at the time I didn't know was an
10 | employee who was also sitting down with the
11 | customers.

12 | MR. SAPIENZA: Did you speak to any of the
13 | persons inside the bar?

14 | DETECTIVE MENDOZA: With the owner and as
15 | well as the female employee.

16 | MR. SAPIENZA: What was the female
17 | employee's name?

18 | DETECTIVE MENDOZA: I believe her last name
19 | was Borgaz (phonetic).

20 | MR. SAPIENZA: Did you ask the owner for
21 | any records required to be kept by him on the
22 | premises?

23 | DETECTIVE MENDOZA: Yes.

24 | MR. SAPIENZA: What did you ask him to
25 | produce?

1 DETECTIVE MENDOZA: I asked him to produce
2 the E-141, the license, some other documents. I
3 can't recall exactly all of them.

4 MR. SAPIENZA: Was he able to produce all
5 those documents?

6 DETECTIVE MENDOZA: Yes.

7 MR. SAPIENZA: What is the E-141 form?

8 DETECTIVE MENDOZA: It's an employee list
9 of the establishment. Anyone that's working on
10 the establishment has to have their name listed
11 on that list.

12 MR. SAPIENZA: Do ABC regulations require
13 that every single employee be on that list?

14 DETECTIVE MENDOZA: Every single employee.

15 MR. SAPIENZA: And is there much
16 information about each employee that the list
17 contains?

18 DETECTIVE MENDOZA: Yes. Name, date of
19 birth, address, if they have a bar card.

20 MR. SAPIENZA: Was the owner's name on the
21 list?

22 DETECTIVE MENDOZA: Yes.

23 MR. SAPIENZA: Was the employee that you
24 spoke with, was her name on the list?

25 DETECTIVE MENDOZA: No.

1 MR. SAPIENZA: Now did you ask that
2 employee when she became employed or any other
3 information about her?

4 DETECTIVE MENDOZA: She said she had been
5 employed for a couple of days.

6 MR. SAPIENZA: And did you tell the
7 licensee that you were going to report that he
8 did not have --

9 DETECTIVE MENDOZA: Yes, I also asked him
10 if she was an employee. He said yes.

11 MR. SAPIENZA: Were you able to observe any
12 of the obser --

13 Were you able to observe a man sitting in
14 the back whose head was resting on a table?

15 DETECTIVE MENDOZA: From where I was
16 standing I could not.

17 MR. SAPIENZA: Do you know what happened to
18 that man?

19 DETECTIVE MENDOZA: The gentleman that was
20 intoxicated, from what I was told by Lieutenant
21 Loaces and Sergeant Quayar, --

22 MR. RENDO: Objection.

23 That's an assumption that he was
24 intoxicated. He appears intoxicated.

25 Is that correct?

1 DETECTIVE MENDOZA: He appears --

2 MR. RENDO: It's not that he was
3 intoxicated.

4 DETECTIVE MENDOZA: He appeared to be
5 intoxicated. Was escorted, assisted, out of the
6 establishment by Sergeant Quayar holding him on
7 the arm, escorting him out of the establishment
8 into an ambulance.

9 MR. SAPIENZA: Your witness.

10 MR. RENDO: Officer, --

11 DETECTIVE MENDOZA: Yes?

12 MR. RENDO: -- have you ever examined any
13 other liquor establishments for the violations
14 that are at a bar today --

15 DETECTIVE MENDOZA: Yes.

16 MR. RENDO: -- similar?

17 DETECTIVE MENDOZA: Yes.

18 MR. RENDO: And you have, on a consistent
19 basis, reviewed the form that these bar owners
20 must maintain?

21 DETECTIVE MENDOZA: Yes.

22 MR. RENDO: Okay.

23 Like to have this marked.

24 MR. DILLON: 1-A?

25 MR. RENDO: Yes.

1
2 (Whereupon, original E-141 was received and
3 marked as Exhibit 1-A.)

4
5 MR. RENDO: Just show counsel.

6 MR. SAPIENZA: Thank you.

7 MR. RENDO: Right.

8 Showing you what has been marked as A-1 for
9 identification, you recognize this form?

10 DETECTIVE MENDOZA: Yes.

11 MR. RENDO: Is this the form that you
12 requested of the owner?

13 DETECTIVE MENDOZA: E-141, that's correct.

14 MR. RENDO: Right.

15 Now on the form there are several names,
16 specifically one, two, three, four, five, six,
17 seven names.

18 Correct?

19 DETECTIVE MENDOZA: That's correct.

20 MR. RENDO: And is the name of the person
21 who was supposed to be employed by this
22 establishment on that form?

23 DETECTIVE MENDOZA: Excuse me?

24 MR. RENDO: Is it on that form? The lady
25 who --

1 DETECTIVE MENDOZA: Now it is, yes.

2 MR. RENDO: Now it is.

3 DETECTIVE MENDOZA: Yes.

4 MR. RENDO: When you requested the form,
5 did my client cooperate with you in providing the
6 form?

7 DETECTIVE MENDOZA: Absolutely.

8 MR. RENDO: Did he provide the form to you?

9 DETECTIVE MENDOZA: Yes.

10 MR. RENDO: Did he actually explain why, if
11 any -- any reason why, this lady wasn't on the
12 form?

13 DETECTIVE MENDOZA: No.

14 MR. RENDO: No?

15 Based on your experience do you -- is it
16 your belief that this form is a pretty
17 comprehensive form filled out by a gentleman, --
18 as compared to other establishment, is it -- is
19 it well -- is it filled out well?

20 DETECTIVE MENDOZA: It appears so.

21 MR. RENDO: Okay.

22 Okay, no further questions.

23 MR. DILLON: I need the exhibit.

24 MR. RENDO: I'm sorry.

25 MR. DILLON: Thank you.

1 MR. SAPIENZA: That's our case.

2 We rest.

3 MR. RENDO: I'll call my witness.

4 MR. DILLON: Please raise your right, sir.

5 Swear the testimony you're about to give is
6 the truth, the whole truth and nothing but the
7 truth?

8 THE INTERPRETER: Yes.

9 MR. DILLON: And I need your name for the
10 record?

11 MR. CONTRERAS: (In English) Luis T.
12 Contreras.

13 THE INTERPRETER: Luis --

14 MR. DILLON: Spell the last name.

15 THE INTERPRETER: -- T. Contreras.

16 MR. DILLON: C-O-N-T-R-E--

17 MS. VILLON: C-O-N-T-R-E-R-A (sic).

18 MR. DILLON: Thank you.

19 MR. RENDO: Was he sworn in? Was he sworn
20 in?

21 MR. DILLON: Yes.

22 MR. RENDO: Oh, okay.

23 Mr. Contreras, are you the owner of the
24 liquor establishment that's on today?

25 THE INTERPRETER: Yes.

1 MR. RENDO: And it's Il Paradiso bar?

2 THE INTERPRETER: Yes, sir.

3 MR. RENDO: Were you at the location the
4 day that this gentleman was at your bar?

5 THE INTERPRETER: Yes.

6 MR. RENDO: Okay.

7 Were you the person behind the bar?

8 THE INTERPRETER: Yes.

9 MR. RENDO: Could you please explain, the
10 gentleman that was sleeping at the bar, --

11 MR. CONTRERAS: (In English) Okay.

12 MR. RENDO: Yeah.

13 THE INTERPRETER: Okay, about five, seven
14 minutes prior, that person had entered before the
15 officers arrived and came.

16 He came in and requested to use the
17 restroom. I saw that he was drunk. He didn't
18 even ask me for a beer. He just wanted to go and
19 urinate. And I told him, go, because it's about
20 time to close.

21 And between that time and later the
22 officers came in. They asked me for my
23 documentations. I provided all my documentations
24 and then they said they found the gentleman
25 sleeping in the back.

1 MR. RENDO: All that time you were in the
2 front of the bar.

3 Is that correct?

4 THE INTERPRETER: Behind the bar. Behind
5 the bar looking for all the documentations that
6 the officers were requesting of me.

7 MR. RENDO: But you did not sell any
8 alcohol to this person?

9 THE INTERPRETER: No.

10 MR. RENDO: Did you deliver or allow him to
11 consume alcohol in your establishment?

12 THE INTERPRETER: No.

13 MR. RENDO: Did you permit the sale of
14 alcohol to this gentleman in your establishment?

15 THE INTERPRETER: No.

16 MR. RENDO: So simply you were being a good
17 Samaritan.

18 Correct?

19 THE INTERPRETER: Well, I allow him to come
20 in because he wanted to urinate.

21 MR. RENDO: And you allowed him to use your
22 bathroom?

23 THE INTERPRETER: Yes. Yes.

24 MR. RENDO: That's all you did.

25 Correct?

1 THE INTERPRETER: That's all I did. Yes.

2 MR. RENDO: I have no further questions of
3 this witness.

4 MAYOR STACK: How long was the gentleman in
5 the establishment?

6 THE INTERPRETER: Until he was awoken and
7 removed by the Police and the gentleman walked
8 out just fine, completely fine.

9 MAYOR STACK: How long was he in the
10 establishment though?

11 THE INTERPRETER: About five to seven
12 minutes prior to the Police get -- coming in.

13 MAYOR STACK: So a man who's intoxicated,
14 who's at -- who's at a table when the Police come
15 in and can't stand, -- this all happened in five
16 to seven minutes?

17 THE INTERPRETER: Yes. Yes.

18 MAYOR STACK: Okay.

19 Mr. Sapienza?

20 MR. SAPIENZA: Did you observe the man
21 drink a beer?

22 THE INTERPRETER: No.

23 MR. SAPIENZA: He didn't drink anything in
24 your establishment?

25 THE INTERPRETER: No.

1 MR. SAPIENZA: Isn't it true that someone
2 informed you that he had taken -- the man had
3 taken a beer from another table and drank it?

4 THE INTERPRETER: No.

5 No, that was never said to me.

6 MR. SAPIENZA: Had you ever seen the man
7 before?

8 THE INTERPRETER: Before, yes. Other days.

9 MR. SAPIENZA: Comes into you bar?

10 THE INTERPRETER: Yes. One time before I
11 -- I saw him.

12 MR. SAPIENZA: So he only came in once to
13 your establishment?

14 THE INTERPRETER: Once before, yes.

15 MR. SAPIENZA: Did buy a drink in your
16 establishment?

17 THE INTERPRETER: Yes.

18 MR. RENDO: Objection.

19 That has nothing to do with the night that
20 this gentleman was there.

21 MAYOR STACK: No, it just determines though
22 -- it does -- it does show some credibility
23 whether the guy's been there before, whether he's
24 been a patron or not, why he let him in.

25 MR. RENDO: Okay.

1 MR. SAPIENZA: Now on this particular
2 night, when he walked into the bar, was he
3 walking in a straight line?

4 THE INTERPRETER: Yes.

5 MR. SAPIENZA: Was walking well?

6 THE INTERPRETER: Yes, he was walking well.

7 MR. SAPIENZA: Did you observe him walk
8 into the bathroom?

9 THE INTERPRETER: Yes. Yes, to the
10 bathroom because that's why he -- he came there.

11 He asked me permission to use the bathroom.
12 We were about to close. It was getting close to
13 the closing hour and -- well, in about 20 minutes
14 I was about to close.

15 MR. SAPIENZA: How -- where is the bathroom
16 located in your establishment?

17 THE INTERPRETER: The very end door to the
18 left side. Toward the end. Very end.

19 MR. SAPIENZA: And you observed the man
20 walk in the front door?

21 THE INTERPRETER: Yes.

22 MR. SAPIENZA: Did you observe him walk
23 back to the bathroom?

24 THE INTERPRETER: He went directly to the
25 bathroom.

1 MR. SAPIENZA: Did he lean against the
2 wall?

3 THE INTERPRETER: No.

4 MR. SAPIENZA: Did he stumble against any
5 furniture?

6 THE INTERPRETER: No.

7 MR. SAPIENZA: Did he walk upright?

8 THE INTERPRETER: Correct.

9 MR. SAPIENZA: Did appear to you to be
10 intoxicated?

11 THE INTERPRETER: Well, that -- yes, I did
12 see him be --

13 MR. SAPIENZA: What did you see that made
14 you believe he was intoxicated?

15 THE INTERPRETER: Well, in a while you see
16 there's a door here, he came to me and said could
17 you do me a favor of allowing me to use the
18 bathroom, and from his --

19 MS. VILLON: He's going like this from --

20 THE INTERPRETER: From his breath you could
21 tell, the odor, that he was drunk.

22 MR. SAPIENZA: You had no problem
23 understanding him?

24 THE INTERPRETER: No. I understood him
25 just fine.

1 MR. SAPIENZA: Did he speak to you in
2 Spanish?

3 THE INTERPRETER: Yes.

4 MR. SAPIENZA: You answered him in Spanish?

5 THE INTERPRETER: Yes.

6 MR. SAPIENZA: He understood you?

7 THE INTERPRETER: Yes.

8 MR. SAPIENZA: Can you describe his face?
9 Was it red?

10 THE INTERPRETER: Well, person who have
11 been drinking, yes.

12 MR. SAPIENZA: Were his eyes watery?

13 THE INTERPRETER: No.

14 MR. SAPIENZA: But he had no trouble
15 walking or standing?

16 THE INTERPRETER: And he walked straight
17 and he walked out straight again.

18 Yes.

19 MAYOR STACK: So everything that the
20 Detectives are saying, the Lieutenant is saying,
21 is wrong?

22 He doesn't agree with that assessment?

23 THE INTERPRETER: Totally incorrect.

24 MAYOR STACK: I'm sorry?

25 THE INTERPRETER: Totally incorrect.

1 MR. SAPIENZA: All right.

2 Now when he came out of the bathroom where
3 did he go?

4 THE INTERPRETER: Well the ambulance was
5 called and he walked out.

6 MR. SAPIENZA: Did he go to a table in your
7 establishment?

8 THE INTERPRETER: I do not know that
9 because I was looking for the papers, the
10 documentations the officer asked me for.

11 MR. SAPIENZA: Well, after he came out of
12 the bathroom, where did the man go?

13 MR. RENDO: Asked and answered.

14 He said he doesn't know; he was in the
15 front of the bar.

16 THE INTERPRETER: I do not know what the
17 gentleman did.

18 MAYOR STACK: Did he have any employees
19 that were working in the back?

20 THE INTERPRETER: No, I only had Ms. Borgaz
21 who only worked for one day, on that day. Just
22 one night.

23 MAYOR STACK: It didn't concern her that
24 the guy had put his head on the table and decided
25 to conk out there?

1 THE INTERPRETER: The lady did pass by and
2 -- enough time to do anything because immediately
3 the officers arrived and they were investigating;
4 they were even investigating her.

5 And due to that now she's not even working
6 for me anymore. Following day she called me, she
7 said I'm not going to work there anymore.

8 MAYOR STACK: What time did the gentleman
9 come into the establishment? Approximately?

10 THE INTERPRETER: More or less 1:30, maybe
11 a little bit past that, 1:30.

12 MAYOR STACK: I just -- you know, I'm not
13 -- I just have a hard --

14 THE INTERPRETER: I just really look at the
15 time --

16 MAYOR STACK: I just have a hard time
17 believing that you're going to allow a man in
18 your establishment who's got liquor on his breath
19 to use the bathroom, who's not going to patronize
20 the establishment. Then the guy winds up at a
21 table asleep or his head down.

22 MR. CONTRERAS: (In English) Mayor, --

23 THE INTERPRETER: It was getting close --
24 Mayor, it was getting close to the closing hour
25 and I do not serve alcohol to anyone --

1 MAYOR STACK: That's my point.

2 THE INTERPRETER: -- after that.

3 MAYOR STACK: That's my point. Why you
4 would allow the man in at that time.

5 THE INTERPRETER: Like the attorney said in
6 my defense I was doing him a favor.

7 I'm not going to allow him to urinate on
8 the street or there or there -- right there from
9 -- in my establishment.

10 MAYOR STACK: How many people were left in
11 the establishment at the point that this
12 gentleman came in?

13 THE INTERPRETER: There were only four.
14 Two in the table in the back part and then two
15 here at another table. Two in the front part;
16 two in the back, which I have my witness here --

17 MR. CONTRERAS: (In English) Okay.

18 THE INTERPRETER: -- to attest to that.

19 And another person who was on table number
20 3. Five in total. That was all.

21 MAYOR STACK: When Lieutenant Loaces and
22 Sergeant Mendoza were in the rear, was he there?

23 THE INTERPRETER: No, I was looking for the
24 documentations.

25 MAYOR STACK: Okay.

1 MR. SAPIENZA: Did you see the man put his
2 head on the table?

3 THE INTERPRETER: I didn't see any of that,
4 sir.

5 MR. SAPIENZA: Did you see the medical
6 people escort him out of your bar?

7 THE INTERPRETER: The only thing I saw was
8 that about four, five officers entered and I kept
9 asking what is going on here, what is going on,
10 no one has committed a crime.

11 And then everyone came out and another
12 gentleman came out and another gentleman came out
13 that I didn't even know and then he walked out
14 just fine.

15 MAYOR STACK: I know but --

16 MR. SAPIENZA: The man walked out fine?

17 THE INTERPRETER: Yes, just fine.

18 MAYOR STACK: Does he think it's common
19 though that the Police call an ambulance and
20 everything for somebody who's not intoxicated and
21 who's not sick?

22 THE INTERPRETER: Well, it depends on the
23 police officer. Sometimes they even -- they even
24 place violations with -- they even find
25 violations without any violations existing.

1 Exactly.

2 MR. SAPIENZA: This form, 1-A, was Patricia
3 (phonetic) Borgaz's name on the form when the
4 Police came in?

5 MR. CONTRERAS: (In English) No, but was
6 over here, this one.

7 THE INTERPRETER: No but this was there.
8 This was not there but that was there.

9 MR. SAPIENZA: So her name was not here?

10 THE INTERPRETER: No. But it was here.

11 MR. SAPIENZA: This employee, Danielle
12 (sic) LaMoncha (phonetic), --

13 MR. RENDO: Daniella (phonetic).

14 I'm sorry.

15 THE INTERPRETER: No, she was not.

16 MR. SAPIENZA: She was not on the list?

17 THE INTERPRETER: No. Just one employee
18 was there at that time because we're about to
19 close; all the other ones had left.

20 MR. SAPIENZA: Was Daniella LaMoncha's name
21 on the list --

22 THE INTERPRETER: Yes.

23 MR. SAPIENZA: -- on June 7th?

24 Now was Julian Navorette (phonetic) name on
25 the list on June 7th when the Police came?

1 THE INTERPRETER: No.

2 She's the last one that was working on that
3 night and she only worked for one night -- one
4 day.

5 MR. CONTRERAS: (In English) One night.

6 THE INTERPRETER: One night. One night.

7 MR. SAPIENZA: The last two employees on
8 this list were hired by you on June 18th and June
9 20th; correct?

10 THE INTERPRETER: Yes, these -- these came
11 later. Yes.

12 MR. SAPIENZA: No, not later. They were
13 employed by you before the day that the Police
14 came.

15 Correct?

16 MR. CONTRERAS: (In English) I think -- I
17 think I made a mistake over here.

18 MR. SAPIENZA: Really?

19 MR. CONTRERAS: (In English) This was
20 the --

21 THE INTERPRETER: I think I made a mistake
22 here. Because there's no -- on that night, this
23 one here was the last one there.

24 MR. SAPIENZA: Well, this list says Mrs.
25 Borgaz's employment started on June 6th, 2014.

1 Is that correct?

2 THE INTERPRETER: Yes.

3 MR. SAPIENZA: So Mrs. Borgaz would have
4 been -- it says that her employment ended on June
5 7th.

6 MR. CONTRERAS: (In English) Okay. Okay,
7 yes, yes. She came --

8 THE INTERPRETER: She came to work just one
9 night -- one day.

10 MR. SAPIENZA: Okay.

11 THE INTERPRETER: And then the following
12 day she called back -- the following day she did
13 not come back. There you can see clearly --

14 MR. SAPIENZA: When did you fill her name
15 in on this list?

16 THE INTERPRETER: Same night. Because that
17 was there.

18 MR. SAPIENZA: Did you show this to the
19 police officer?

20 THE INTERPRETER: I gave him all the
21 documentations that he asked of me.

22 MR. SAPIENZA: I have no further questions.

23 MR. RENDO: I have one more witness.

24 MAYOR STACK: Sure.

25 (Whereupon, Ms. Villon interpreted English

1 to Spanish and Spanish to English for the Everett
2 Escobar.)

3 MR. DILLON: Would you raise your right
4 hand?

5 Do you swear the testimony you're about to
6 give is the truth, the whole truth and nothing
7 but the truth?

8 THE INTERPRETER: Yes.

9 MR. DILLON: Can I have your name for the
10 record?

11 Could we spell it?

12 THE INTERPRETER: Everett Escobar.

13 MR. DILLON: Everett?

14 Spell the last name please?

15 MS. VILLON: E-S-C-O-B-A-R.

16 MR. ESCOBAR: (In English) Yes.

17 MR. DILLON: Thank you.

18 MR. RENDO: Mr. Escobar, on June 7th, 2014,
19 were you at the establishment called Il Paradiso
20 bar?

21 THE INTERPRETER: Yes.

22 MR. RENDO: And were you there when the
23 Police arrived?

24 THE INTERPRETER: Yes.

25 MR. RENDO: And where exactly were you in

1 the bar?

2 Were you in the front or in the back of the
3 bar?

4 THE INTERPRETER: The front.

5 MR. RENDO: Did you observe the gentleman
6 in question walk into the bar?

7 THE INTERPRETER: Yes.

8 MR. RENDO: Please explain what you
9 observed.

10 THE INTERPRETER: The gentleman entered and
11 asked Mr. Luis permission if he could use the
12 bathroom. And Mr. Luis said to please go because
13 he was about to close.

14 MR. RENDO: And what did the gentleman do?

15 THE INTERPRETER: He entered. He went to
16 the back -- to the back part.

17 MR. RENDO: Did you go to the back?

18 THE INTERPRETER: No.

19 MR. RENDO: You stayed in the front?

20 THE INTERPRETER: Yes. I was sitting down.

21 MR. RENDO: Did you observe Mr. Contreras
22 sell, serve, deliver, allow, permit or indirectly
23 allow that person to consume any alcohol in the
24 establishment?

25 THE INTERPRETER: No I did not see him.

1 MR. RENDO: Did you observe when the
2 gentleman was -- left the bar?

3 THE INTERPRETER: You mean when the Police
4 removed him?

5 MR. RENDO: Correct.

6 THE INTERPRETER: Yes.

7 MR. RENDO: Did he walk out in his own
8 volition?

9 THE INTERPRETER: Yes.

10 MR. RENDO: Did he cooperate with the
11 Police?

12 The gentleman.

13 THE INTERPRETER: Yes, well from the back
14 they came out and they walked by. I was right
15 there --

16 MR. RENDO: Okay.

17 THE INTERPRETER: -- beside.

18 MR. RENDO: Okay. I have no further
19 questions of Mr. Escobar.

20 MR. SAPIENZA: Mr. Escobar, --

21 MR. ESCOBAR: (In English) Yes.

22 MR. SAPIENZA: -- did you observe the man
23 who was -- who was drinking and was drunk in this
24 establishment consume any alcohol in the
25 establishment?

1 THE INTERPRETER: No.

2 MR. SAPIENZA: You didn't observe him take
3 a drink from the table?

4 THE INTERPRETER: No. He went to the back
5 and I stayed in the front and I didn't see him
6 anymore.

7 MR. SAPIENZA: Did you see him go to the
8 bathroom?

9 THE INTERPRETER: He passed by me to the
10 back part. Right beside me.

11 MR. SAPIENZA: Did he have any problem
12 walking down to the back of the --

13 THE INTERPRETER: No.

14 MR. SAPIENZA: Did he speak to you?

15 THE INTERPRETER: No.

16 MR. SAPIENZA: Did you hear him speak to
17 the owner?

18 THE INTERPRETER: Yes. Because I was here
19 and the gentleman was there like in front of me.

20 MR. SAPIENZA: Did you -- you heard him
21 speak to the owner of the bar?

22 THE INTERPRETER: Yes.

23 MR. SAPIENZA: Did he speak clearly?

24 THE INTERPRETER: Yes.

25 MR. SAPIENZA: What did he say to the

1 owner?

2 THE INTERPRETER: Ask him permission to use
3 the bathroom.

4 MR. SAPIENZA: Did he say anything else?

5 THE INTERPRETER: No.

6 MR. SAPIENZA: Was he standing still when
7 he said this?

8 THE INTERPRETER: Yes.

9 MR. SAPIENZA: Was he swaying back and
10 forth?

11 THE INTERPRETER: No.

12 MR. SAPIENZA: Did he walk directly to the
13 back of the bar under his own power?

14 THE INTERPRETER: Yes.

15 MS. SAPIENZA: Any problem -- did he have
16 any problem walking?

17 THE INTERPRETER: No, I was sitting there
18 and he passed by me, I didn't see anything.

19 MR. SAPIENZA: When he was in the back of
20 the bar did you see him sit at a table?

21 THE INTERPRETER: I was here. He passed by
22 me. There's a room in the back part. I didn't
23 see anything.

24 MR. SAPIENZA: You didn't see him put his
25 head down on the table?

1 THE INTERPRETER: No. How am I able to see
2 if he's in the room in the -- the back room?

3 MR. SAPIENZA: Did he appear to you to be
4 ill?

5 THE INTERPRETER: No. No.

6 MR. SAPIENZA: Was he carrying anything
7 with him?

8 THE INTERPRETER: No, I didn't see
9 anything.

10 MR. SAPIENZA: Did he have any alcoholic
11 beverages under his arm?

12 THE INTERPRETER: No.

13 MR. SAPIENZA: How many employees were
14 working for the bar that night?

15 THE INTERPRETER: Well, I was served by a
16 lady.

17 MR. SAPIENZA: Were there any other
18 employees besides that lady?

19 THE INTERPRETER: No.

20 MR. SAPIENZA: Did that lady serve anyone
21 who was in the back of the bar?

22 THE INTERPRETER: I didn't see if she did.
23 I did not.

24 MR. SAPIENZA: Was there a couple sitting
25 in the back of the bar?

1 THE INTERPRETER: I did not go, I said, to
2 the back.

3 MR. SAPIENZA: Did you use the bathroom
4 that night?

5 THE INTERPRETER: No.

6 MR. SAPIENZA: How long were you there?

7 THE INTERPRETER: For about an hour.

8 MR. SAPIENZA: When did you enter?

9 THE INTERPRETER: About 12 to 1.

10 MR. SAPIENZA: One a.m.?

11 THE INTERPRETER: Yeah, almost one, yes.

12 MR. SAPIENZA: Were you by yourself?

13 THE INTERPRETER: Yes.

14 MR. SAPIENZA: What day of the week was
15 this?

16 THE INTERPRETER: Honestly, I don't even
17 remember. Maybe Friday or Saturday. Really I do
18 not -- I'm not sure; I do not remember.

19 MR. SAPIENZA: Did you go to the bar after
20 work?

21 THE INTERPRETER: Yes. I went to eat.

22 MR. SAPIENZA: Did you eat at the bar?

23 THE INTERPRETER: I was there eating.

24 MR. SAPIENZA: So you had dinner?

25 THE INTERPRETER: Yes.

1 MR. SAPIENZA: You went there at what time
2 again? Tell me again. What time did you enter?

3 THE INTERPRETER: Yes, about 12 to 1 in the
4 morning.

5 MR. SAPIENZA: That's when you had dinner?

6 THE INTERPRETER: Well, not all the time I
7 was hungry and I went to eat.

8 MR. SAPIENZA: Where did you go to eat?

9 MR. RENDO: Judge, the question's been --
10 I mean, Mayor, the questions have been
11 asked and answered already three times.

12 THE INTERPRETER: What? I can choose to
13 eat and where.

14 MR. SAPIENZA: Did you leave the bar to
15 eat?

16 MR. RENDO: The guy was hungry, he ate.

17 THE INTERPRETER: Yes.

18 MR. SAPIENZA: Oh. Where did you go?

19 THE INTERPRETER: Where did I go to eat?
20 To get a bite? Where?

21 MR. SAPIENZA: Yes.

22 THE INTERPRETER: There, to Mr. Luis'
23 place.

24 MR. SAPIENZA: So you stayed at the bar and
25 you ate at the bar?

1 THE INTERPRETER: Yes.

2 When all this happened I was already done.

3 I was finished -- finishing.

4 MR. SAPIENZA: So you entered at 1 a.m. and

5 you had dinner at the bar?

6 THE INTERPRETER: Yes.

7 Well, not on the bar, at a table.

8 MR. SAPIENZA: Inside?

9 THE INTERPRETER: Correct.

10 MR. SAPIENZA: And by yourself.

11 Where do you live?

12 MR. ESCOBAR: (In English) I live in

13 Ridgefield.

14 THE INTERPRETER: I live in Ridgefield.

15 MR. SAPIENZA: Ridgefield Park?

16 MR. ESCOBAR: (In English) No, Ridgefield.

17 THE INTERPRETER: No, Ridgefield.

18 MR. ESCOBAR: (In English) Ridgefield.

19 Just Ridgefield.

20 THE INTERPRETER: Just Ridge --

21 MR. ESCOBAR: (In English) Next to

22 Ridgefield Park.

23 MR. SAPIENZA: How far away is that from

24 Union City?

25 THE INTERPRETER: About ten minutes.

1 MR. SAPIENZA: Did you drive?

2 THE INTERPRETER: Yes.

3 MR. SAPIENZA: Had you ever been to this
4 bar before?

5 THE INTERPRETER: Yes, I go there.

6 MR. SAPIENZA: Do you know the owner?

7 THE INTERPRETER: Yes.

8 MR. SAPIENZA: Are you friends with the
9 owner?

10 THE INTERPRETER: Well, I walk in and I say
11 hello. I wouldn't say we're friends. We've
12 never really gone out together to any part.

13 MR. SAPIENZA: How often had -- did you go
14 to this bar before June 7th?

15 THE INTERPRETER: About once a month.
16 Maybe twice a month.

17 MR. SAPIENZA: You go there once or twice a
18 month?

19 THE INTERPRETER: When I -- when I'm
20 passing by and if I'm hungry, I'll go there, yes,
21 for a bite.

22 MR. SAPIENZA: Where do you work?

23 MR. ESCOBAR: (In English) In Jersey City.

24 THE INTERPRETER: In Jersey City.

25 MR. SAPIENZA: How do you travel from

1 Jersey City to Ridgefield?

2 MR. RENDO: Mayor, these questions are
3 irrelevant.

4 THE INTERPRETER: By car.

5 MR. RENDO: They're only relevant to where
6 he works or what he does.

7 THE INTERPRETER: I'm not going to be
8 walking.

9 In my car.

10 MR. DILLON: One at a time please.

11 Thank you.

12 MR. SAPIENZA: Are you married?

13 MR. RENDO: Objection.

14 THE INTERPRETER: No.

15 I am single.

16 MR. SAPIENZA: Do you eat out every night?

17 MR. RENDO: Objection.

18 MS. VILLON: Do I answer the --

19 MR. RENDO: Go ahead. Yeah.

20 THE INTERPRETER: No, sometimes I do not
21 eat out.

22 MR. SAPIENZA: When did the bar owner ask
23 you to come and testify?

24 THE INTERPRETER: I asked him as to the
25 problem that had happened. He said, when I

1 | inquired, and he said that he was subpoenaed and
2 | -- and he asked -- he asked me if I was willing
3 | to come in and testify as to what I saw. And I
4 | said I don't have an issue, no problem. I said
5 | yes.

6 | MR. SAPIENZA: When was that?

7 | THE INTERPRETER: Maybe about a month, six
8 | weeks ago, more or less.

9 | MR. SAPIENZA: Did he ask you in a face to
10 | face conversation?

11 | THE INTERPRETER: Yes.

12 | MR. SAPIENZA: Do you have his phone
13 | number? The owner's phone number?

14 | THE INTERPRETER: No. No.

15 | MR. SAPIENZA: Were you in the bar when he
16 | asked you?

17 | THE INTERPRETER: Yes. When I went to eat
18 | once again.

19 | MR. SAPIENZA: Did he ask you -- was there
20 | anyone else present when he asked you to come and
21 | testify?

22 | THE INTERPRETER: No.

23 | MR. SAPIENZA: I have no further questions.

24 | MR. RENDO: Nothing else.

25 | Don't know if the gentleman has any closing

1 arguments but I do.

2 MR. SAPIENZA: Gentlemen of the Board, I'd
3 like to recall Police Officer Mendoza.

4 MR. DILLON: Right here; here you go.

5 Officer, I just want to remind you, you're
6 still under oath.

7 DETECTIVE MENDOZA: Yes.

8 MR. DILLON: Okay.

9 MR. SAPIENZA: Officer Mendoza, I show you
10 what has been marked 1-A as an exhibit, which I
11 believe you've seen before.

12 Is that correct?

13 DETECTIVE MENDOZA: Yes.

14 MR. SAPIENZA: Is that the exhibit that the
15 bar owner showed to you when you were at his
16 establishment on June 7?

17 DETECTIVE MENDOZA: No.

18 MR. SAPIENZA: It's not?

19 DETECTIVE MENDOZA: No.

20 MR. SAPIENZA: Do you have --

21 When you were there on June 7th did you
22 take a photograph of the E-141A form that the bar
23 owner showed you?

24 DETECTIVE MENDOZA: Yes, as well as other
25 items.

1 MR. SAPIENZA: You took photographs?

2 DETECTIVE MENDOZA: Yes.

3 MR. SAPIENZA: Do you have those
4 photographs with you today?

5 DETECTIVE MENDOZA: I do.

6 MR. SAPIENZA: May I see the photograph of
7 the E-141A form that you received on June 7th?

8 MR. DILLON: Marked as A-2.

9 MR. SAPIENZA: This is three pages.
10

11 (Whereupon, photocopy of E-141 was received
12 and marked as Exhibit A-2.)
13

14 (Whereupon, photocopy of E-141 was received
15 and marked as Exhibit A-3.)
16

17 (Whereupon, photocopy of E-141 was received
18 and marked as Exhibit A-4.)
19

20 MR. DILLON: Here you go.

21 MR. SAPIENZA: I show you what has been
22 marked --

23 MR. RENDO: Can I -- can I take a look at
24 them?

25 MR. SAPIENZA: -- A-2, A-3 and A-4.

1 And, of course, I'm sorry.

2 MR. RENDO: Thank you.

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

5 MR. SAPIENZA: Officer Mendoza, I show you
6 what has been marked A-2, A-3 and A-4.

7 Is that the exhibit that you refer to as a
8 photocopy of the E-141 you received when you --
9 when you responded to Il Paradiso bar on June
10 7th, 2014?

11 DETECTIVE MENDOZA: Yes, it is.

12 MR. SAPIENZA: In what way is it different
13 than A-1?

14 DETECTIVE MENDOZA: It's completely
15 different. It's two different E-141's.

16 MR. SAPIENZA: Is the employee Borgaz on
17 the list that we're referring to now as A-2, A-3
18 and A-4?

19 DETECTIVE MENDOZA: No it's not.

20 MR. SAPIENZA: How many employees are on
21 the list, A-2, A-3 and A-4 approximately?

22 DETECTIVE MENDOZA: Twenty-six.

23 MR. SAPIENZA: How many employees are on
24 this list A-1?

25 DETECTIVE MENDOZA: Seven.

1 MR. SAPIENZA: So examine 1-A again for me,
2 please. Whose name is the first employee on that
3 list?

4 DETECTIVE MENDOZA: Luis T. Contreras.

5 MR. SAPIENZA: And I show you A-3, which
6 you brought to the hearing this evening.

7 Whose name is first on that list?

8 DETECTIVE MENDOZA: Luis Contreras.

9 MR. SAPIENZA: So you would think that
10 these two pages would be roughly similar?

11 DETECTIVE MENDOZA: Yes, sir.

12 MR. SAPIENZA: Are they?

13 DETECTIVE MENDOZA: No.

14 MR. SAPIENZA: How are they different?

15 DETECTIVE MENDOZA: There's more employees
16 on the photograph that I took than there is on
17 the one presented here today.

18 MR. SAPIENZA: This little piece of paper
19 on the top of 1A was that on the list when it was
20 given to you by the bar owner?

21 DETECTIVE MENDOZA: On that day?

22 MR. SAPIENZA: On that day.

23 DETECTIVE MENDOZA: No.

24 MR. SAPIENZA: That's all.

25 MR. RENDO: Officer, --

1 DETECTIVE MENDOZA: Yes, sir.

2 MR. RENDO: -- it was your testimony during
3 direct examination prior that this was the list
4 that was obtained from the --

5 DETECTIVE MENDOZA: No, I said that that
6 was a list -- E-141 -- a list.

7 MR. RENDO: And you had indicated that this
8 was the list that came from that establishment.

9 DETECTIVE MENDOZA: No, I did not.

10 MR. RENDO: You didn't present this list
11 before, did you?

12 DETECTIVE MENDOZA: That's correct.

13 MR. RENDO: Okay.

14 What is your practice and procedure; do you
15 get photocopies of the list or you take the
16 original as evidence?

17 DETECTIVE MENDOZA: I take photographs of
18 all the documents that they have.

19 MR. RENDO: Okay.

20 You don't take the original?

21 DETECTIVE MENDOZA: No I do not.

22 MR. RENDO: Okay.

23 Even if there's a violation you don't take
24 the original?

25 DETECTIVE MENDOZA: That's correct.

1 MR. RENDO: Or if there's no violation you
2 don't take the original?

3 DETECTIVE MENDOZA: That's correct.

4 MR. RENDO: Okay.

5 Just give me a second.

6 Is there a possibility that he could have
7 several lists in the establishment?

8 DETECTIVE MENDOZA: This is the way it was
9 presented to me on that day.

10 MR. RENDO: Presented to you on that day.
11 Okay.

12 I have no further questions.

13 MR. SAPIENZA: That's all.

14 MAYOR STACK: Thank you.

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

17 MR. SAPIENZA: Members of the Board, as in
18 all cases credibility is one of the most vital
19 things that is up to you to judge. Which
20 witnesses told the truth, which witnesses didn't
21 tell the truth; which witnesses have
22 corroboration for the story that they say.

23 In this particular case the police officers
24 testified that they found a man in the back of
25 Il Paradiso bar on June 7th, 2014, who was so

1 | drunk -- I should say intoxicated -- that his
2 | head was on the table and he could not be roused
3 | by shaking, nor could he be roused by talking.

4 | Officer Loaces testified that when he
5 | finally was able to awaken the person he asked
6 | him to stand up, the person was so intoxicated he
7 | couldn't stand up. He fell back down into the
8 | seat.

9 | The person was so intoxicated that he had
10 | to be helped out of the bar by EMTs, medical
11 | personnel arriving.

12 | He was so intoxicated that other people in
13 | the bar made a motion to Lieutenant Loaces
14 | indicating to him that that person was completely
15 | out of it.

16 | That was the police officers' testimony.

17 | The bar owner's testimony and the witness
18 | he produced told you that 20 minutes before the
19 | man walked into the bar, had no problem walking,
20 | he conversed with the owner, he had no problem
21 | conversing. He asked to use the bathroom and the
22 | owner said yes because the owner wanted to be a
23 | good samaritan on that day. The person then
24 | walked to the back of the bar and presumably used
25 | the bathroom.

1 Now, isn't that incredible. That somehow
2 in those 20 minutes, between the time that this
3 person walked into the bar and the time that the
4 Police came and observed him with his head on the
5 table, he became that inebriated. Isn't that
6 difficult to understand.

7 Credibility is difficult to judge but if
8 you've listened to everything -- and I know you
9 do, little things pop up.

10 One of the little things is the documents
11 that the owner today said he produced to Officer
12 Mendoza.

13 He came tonight and he handed us a document
14 and he said this was the E-141A list that I
15 presented to the Police when they asked me for my
16 records. It has very few names on it. He said,
17 no Mrs. Borgaz's name was not on that list but I
18 had her information, I just hadn't filled it out.

19 Officer Mendoza then returned to the stand
20 and he offered the list that he had gotten.
21 Where did he get this other list? It's three
22 pages long. There are many employees on it.
23 Where did Mendoza get that list? He said it was
24 a list that he was given on June 7th, 2014, by
25 this owner, this man there, and he photographed

1 | it with his camera. He didn't produce it, he
2 | photographed it; that was the list.

3 | The witness that --

4 | MR. RENDO: He had to leave.

5 | MR. SAPIENZA: I'm sorry, the witness isn't
6 | here. I guess he had to leave. That's a shame.

7 | The witness then said I live in Ridgefield,
8 | I work in Jersey City but I like to go to this
9 | particular place for dinner once or twice a
10 | month. Just happened to be there on June 7th. I
11 | saw this man walk in, he was fine when he walked
12 | in, he walked to the back, he was fine then. I
13 | have no idea how he became so inebriated.

14 | So convenient the testimony that it is not
15 | believable, it is not credible, it should not be
16 | given any weight in this particular case.

17 | One of the most important duties that a
18 | licensee has in this City is to be mindful that
19 | he is a accountable -- not responsible but
20 | accountable for what he does.

21 | He's accountable for what alcohol is
22 | consumed inside his place. He's accountable for
23 | the condition that that consumption leaves his
24 | patrons in. He's accountable for what happens to
25 | the patrons who drink and for those whom the

1 patron interact with.

2 On this particular night I think you can
3 accept or make an inference that there was a very
4 highly intoxicated patron in this bar. That he
5 had consumed alcohol in that bar. Police officer
6 didn't see him drinking, it's because he was
7 passed out at a table in the back.

8 And that this bar owner came to this
9 hearing tonight and presented you with evidence
10 that is totally inconsistent with the same
11 evidence that the police officer received on June
12 7th.

13 Now based on all this I would ask that you
14 conclude that there was an intoxicated patron who
15 consumed alcohol in Il Paradiso on June 7th, 2014,
16 and that the bar owner failed to give over to the
17 officer, when requested, the business records
18 that he's required -- the bar owner's required to
19 keep by regulation.

20 Thank you.

21 MR. RENDO: Mayor and Commissioners, I
22 understand the credibility argument for when
23 there's a statute; we need to look at the statute
24 first. And the statute that the violation is
25 being brought under is subsection -- subchapter

1 23, 13:2-23.1(b).

2 And when I cross-examined Officer Loaces I
3 took the statute and I said, Officer Loaces, did
4 you observe the licensee sell alcohol to the
5 individual; he said, no.

6 Reading directly from the statute.

7 Officer Loaces, did you see him serve,
8 deliver or allow, permit, suffer for sale,
9 service, delivery of any alcoholic beverages to
10 this individual?

11 Officer Loaces said, no.

12 Second officer testified the same.

13 All my witnesses testified the same.

14 This is a gentleman that's being penalized
15 simply by being a good samaritan.

16 A gentleman needed to use the bathroom.
17 The options were, use the bathroom in the
18 establishment or pee on the streets of Union
19 City.

20 We know we don't want that. We always tell
21 our people go and ask someone to use the
22 bathroom. Don't urinate in public. He did the
23 right thing and now we're going to penalize him.

24 There's absolutely no evidence that he
25 violated this statute. No police officer

1 testified to it. Our witnesses testified he
2 simply used the bathroom. We shouldn't penalize
3 the residents for being a good samaritan.

4 As to the records, I would bet that Mr.
5 Contreras and I would argue that Mr. Contreras
6 keeps better records than a lot of bar owners in
7 Union City.

8 If you look at the records that were
9 submitted they're copious records. Right?
10 You're talking an original document that the --
11 that the attorney for the City could not produce
12 and produced a photocopy of supposed documents.

13 We submitted in evidence an original
14 document, the name of the lady that was working
15 for that one day is on there. Right?

16 He keeps those records. He's been a good
17 member of this community and he shouldn't be
18 penalized for this act. His credibility is
19 there. The police officers testified correctly.
20 We're not saying they didn't. Everyone's
21 testified as to what happened and what they
22 observed. But we must look at the statute and he
23 is not in violation of the statute that he's
24 being prosecuted under.

25 That's my closing.

1 MAYOR STACK: Mr. Sapienza?

2 Just if you could grant some guidance to
3 the Board on the penalty for the violations?

4 MR. SAPIENZA: The presumptive penalty in
5 ABC Regulations for permitting an intoxicated
6 person to consume alcohol on the premises, for
7 the first offense, is 15 days.

8 And the presumptive penalty for not having
9 a complete E-141A form is one day for a first
10 offense.

11 MAYOR STACK: And what would you be looking
12 for?

13 What is your recommendation?

14 MR. SAPIENZA: Sixteen days.

15 MAYOR STACK: I'm sorry?

16 MR. SAPIENZA: Sixteen day suspension.
17 That would be 15 for the consumption of alcohol
18 by an intoxicated patron on the premises and one
19 day for failing to have the required records.

20 MAYOR STACK: Thank you.

21 The problem I have here is credibility,
22 number one.

23 Number one, on the business records; I mean
24 why not produce the proper business records to
25 the Detective when he came in.

1 Second, I have a hard time believing this
2 gentleman came in, used the bathroom, laid on a
3 table, slept on a table, -- whatever you want to
4 call it -- all in a matter of five to seven
5 minutes.

6 Knowing Mr. Contreras I would think that he
7 would have a better handle on his business than
8 to let this happen.

9 Use -- letting somebody use the bathroom is
10 one thing. When they're highly intoxicated
11 coming into your liquor establishment that you
12 own for many, many years is another thing. It's
13 just not believable. It's not believable at all.
14 And I have an issue with that.

15 I'll make the motion for a 15 day
16 suspension.

17 ACTING CITY CLERK: Motion --

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 COMMISSIONER RIVAS: Yes.

2 ACTING CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

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1 **ADJOURNMENT:**

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3 ACTING CITY CLERK: Mayor, there's no other
4 items on the agenda.

5 Is there a motion to adjourn?

6 MAYOR STACK: Motion.

7 ACTING CITY CLERK: Motion made --

8 COMMISSIONER FERNANDEZ: Second.

9 ACTING CITY CLERK: -- by Mayor Stack.

10 Second by Commissioner Fernandez.

11 All in favor?

12
13 (Whereupon, there was a chorus of ayes.)

14
15 (Whereupon, the proceedings were concluded
16 at 8:32 p.m.)

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:

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3 COUNTY OF ESSEX :

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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 Wednesday, November 5, 2014, and recorded
10 on tape.

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24 Monitored by: Kevin Dillon

25 Proofread by: Deborah Dillon