

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

Tuesday, December 16, 2014
Commencing at 7:05 p.m.

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

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

SOL VILLON, Interpreter

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

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

MESSRS. GONZALEZ & CARIDE
BY: RAMON M. GONZALEZ, ESQ.,
Attorney for Caribe Club Restaurant t/a
Caribe Club

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1 ACTING CITY CLERK: This is a Regular
2 Public Meeting of the Union City Board of
3 Commissioner, being held on Tuesday, December 16,
4 2014, at seven p.m., at the Robert Water
5 Elementary School, 2800 Summit Avenue, Union
6 City, New Jersey.

7 Everyone please rise for the Pledge of
8 Allegiance.

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

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

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

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Here.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Here.

10 ACTING CITY CLERK: Commissioner

11 Martinetti?

12 COMMISSIONER MARTINETTI: Here.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Here.

15

16 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**

17 **NOVEMBER 14, 2014:**

18

19 ACTING CITY CLERK: First item is approval
20 of the previous meeting held on November 14,
21 2014.

22 Is there a motion?

23 MAYOR STACK: Motion.

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: Motion made by Mayor

1 Stack.

2 Second by Commissioner Valdivia.

3 Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Abstain.

8 ACTING CITY CLERK: Commissioner Rivas
9 abstaining.

10 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 CHAPTER XVI OF THE
22 "REVISED GENERAL ORDINANCES OF THE CITY OF UNION
23 CITY, 1996"

24

25 ACTING CITY CLERK: Next item is an

1 Ordinance for Hearing and Adoption Consideration.

2 This Ordinance Amending Chapter XVI of the
3 Revised General Ordinances of the City of Union
4 City, 1996.

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

8 Seeing none.

9 COMMISSIONER MARTINETTI: Second.

10 ACTING CITY CLERK: Motion made by --

11 Motion to close public hearing made by
12 Mayor Stack.

13 Second by Commissioner Martinetti.

14 Roll call.

15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 ACTING CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Commissioner

22 Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 ACTING CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1 ACTING CITY CLERK: Is there a motion to
2 adopt?

3 MAYOR STACK: Motion.

4 ACTING CITY CLERK: Motion by Mayor 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

21 **ORDINANCES FOR HEARING AND ADOPTION**

22 **CONSIDERATION:**

23

24 2. AN ORDINANCE AMENDING CHAPTER 359 OF THE
25 CODE OF THE CITY OF UNION CITY ENTITLED "SOLID

1 WASTE"

2

3 ACTING CITY CLERK: Next Ordinance is
4 Amending Chapter 359 of the Code of the City of
5 Union City Entitled Solid Waste.

6 MAYOR STACK: What does this Ordinance
7 exactly do?

8 MS. de los RIOS: Mayor, this is the
9 Ordinance that sets pickup times of solid waste
10 and recycling garbage between 12 a.m. and 7 a.m.
11 All garbage and recycling must be picked up by
12 the hauler by 7 a.m.

13 MAYOR STACK: The purpose of this Ordinance
14 is to make sure that the garbage trucks are not
15 in the City before midnight and out of the City
16 by 7 o'clock in the morning when most people are
17 going to work and children are actually going to
18 school.

19 Anyone wishing to comment on this Ordinance
20 at this time, please step forward.

21 Seeing none.

22 COMMISSIONER RIVAS: Second.

23 ACTING CITY CLERK: Is there a motion?

24 COMMISSIONER MARTINETTI: Second.

25 ACTING CITY CLERK: Motion by Commissioner

1 Rivas.

2 Second by Commissioner Martinetti.

3 Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 ACTING CITY CLERK: Commissioner

11 Martinetti?

12 COMMISSIONER MARTINETTI: Yes.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

15 ACTING CITY CLERK: Is there a motion to

16 adopt?

17 MAYOR STACK: Motion.

18 ACTING CITY CLERK: Motion by Mayor Stack.

19 COMMISSIONER FERNANDEZ: Second.

20 ACTING CITY CLERK: Second by Commissioner

21 Fernandez.

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 **CONSENT AGENDA:**

11

12 (1) Resolution Approving the Payment of Claims

13 (2) Resolution Approving the Payment of

14 Concurring Claims

15 (3) Resolution Approving the City Payroll for

16 the Period of December 3, 2014 through December

17 16, 2014

18 (4) Resolution Approving the Library Payroll

19 for the Period of December 3, 2014 through

20 December 16, 2014

21 (5) Resolution Approving Disciplinary

22 Proceedings Against Tropical Bar & Restaurant t/a

23 Wendy C. Diaz, Located at 4100C Bergenline

24 Avenue, Liquor License No. 0910-33-060-003

25 (6) Resolution Approving the 2014-2015 Renewal

1 of the Mi Bandera Restaurant, Located at 518-32nd
2 Street, Liquor License No. 0910-44-169-005
3 (7) Resolution Approving Disciplinary
4 Proceedings Against Il Paradiso Corp. t/a Il
5 Paradiso Tavern, Located at 1108 Summit Avenue,
6 Liquor License No. 0910-33-103-002
7 (8) Resolution Approving Special Conditions
8 Imposed on Manhattan Bar & Grill Restaurant t/a
9 Manhattan Bar & Grill Restaurant Inc., Locate at
10 1711 Manhattan Avenue
11 (9) Resolution Appointing Alternate Member to
12 the Planning Board
13 (10) Resolution Authorizing Extension of
14 Appointment of Acting Municipal Clerk
15 (11) Resolution Authorizing Extension of
16 Appointment of Acting Chief Financial Officer
17 (12) Resolution Authorizing the Tax Collector to
18 Refund Property Owner of Block 269.02 Lot 8, Also
19 Known as 240-46th Street
20 (13) Resolution Authorizing Refund of Redemption
21 Monies to Outside Lienholders
22 (14) Resolution Authorizing the Refund of
23 Premium Monies Collected at the Tax Sale
24 (15) Resolution Authorizing the Refund of a Tax
25 Appeal Issued by the Tax Court of New Jersey

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

3

4 ACTING CITY CLERK: Next item is the
5 Consent Agenda.

6 First item is Resolution Approving the
7 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 December 3rd, 2014 through December
14 16, 2014.

15 Item 4.

16 Resolution Approving the Library Payroll
17 for the Period of December 3rd, 2014 through
18 December 16, 2014.

19 Item 5.

20 Resolution Approving Disciplinary
21 Proceeding Against Tropical Bar and Restaurant,
22 also known as Wendy C. Diaz, Located at 4100 C
23 Bergenline Avenue, Liquor License number
24 0910-33-060-003.

25 Item 6.

1 Resolution Approving the 2014-2015 Renewal
2 of the Mi Bandera Restaurant, Located at 518-32nd
3 Street, Liquor License number 0910-44-169-005.

4 Item 7.

5 Resolution Approving Disciplinary
6 Proceedings Against Il Paradiso Corp., also known
7 Il Paradiso Tavern, Located at 1108 Summit
8 Avenue, Liquor License number 0910-33-103-002.

9 Item 8.

10 Resolution Approving Special Conditions
11 Imposed on Manhattan Bar and Grill Restaurant,
12 known as Manhattan Bar and Grill Restaurant Inc.,
13 Located at 1711 Manhattan Avenue.

14 Item 9.

15 Resolution Appointing Alternate Member to
16 the Planning Board.

17 Item 10.

18 Resolution Authorizing Extension of
19 Appointment of Acting Municipal Clerk.

20 Item 11.

21 Resolution Authorizing Extension of
22 Appointment of Acting Chief Financial Officer.

23 Item 12.

24 Resolution Authorizing the Tax Collector to
25 Refund Property Owner of Block 269.02 Lot 8, also

1 known as 240-46th Street.

2 Item 13.

3 Resolution Authorizing Refund of Redemption
4 Monies to Outside Lienholders.

5 Item 14.

6 Resolution Authorizing the Refund of
7 Premium Monies Collected at Tax Sale.

8 Item 15.

9 Resolution Authorizing the Refund of a Tax
10 Appeal Issued by the Tax Court of New Jersey.

11 Mayor, do you wish to take public
12 comment --

13 MAYOR STACK: Sure.

14 ACTING CITY CLERK: -- on any item on the
15 Consent Agenda?

16 MAYOR STACK: Sure.

17 Anyone wishing to comment on the Consent
18 Agenda, please step forward.

19 Seeing none.

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

22 MAYOR STACK: Motion.

23 ACTING CITY CLERK: Motion made by --

24 COMMISSIONER FERNANDEZ: Second.

25 ACTING CITY CLERK: -- Mayor Stack.

1 Second by Commissioner Fernandez.
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 approve all items on the Consent Agenda?
16 COMMISSIONER RIVAS: Motion.
17 ACTING CITY CLERK: Motion by Commissioner
18 Rivas.
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 MS de los RIOS: This is just to clarify
7 for the record that on item number 2,
8 Commissioner Martinetti will be actually recusing
9 from any item that deals with the law firm or the
10 attorneys, Adolfo Lopez and Louie Diaz.

11 And this is item number 2 on the --

12 ACTING CITY CLERK: Everything else is yes.

13 MS. de los RIOS: -- the agenda.

14 COMMISSIONER MARTINETTI: Everything else
15 is yes; refusal as noted.

16 ACTING CITY CLERK: And Mayor Stack?

17 MAYOR STACK: Yes.

18

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

20

21 1. AN ORDINANCE AMENDING CHAPTER 366 OF THE
22 CODE OF THE CITY OF UNION CITY ENTITLED "STREETS
23 AND SIDEWALKS"

24

25 ACTING CITY CLERK: Next item there's

1 Ordinances for Introduction.

2 The Ordinances will be further considered
3 at a meeting of the Board of Commission to be
4 held on January 6, 2015, at 7 p.m. at the
5 Jefferson Elementary School, 3400 Palisade
6 Avenue, Union City, New Jersey.

7 First Ordinance is Amending Chapter 366 of
8 the Code of the City of Union City entitled
9 Streets and Sidewalks.

10 MAYOR STACK: This Ordinance concerns --
11 we've sent out a lot of notices as the public
12 knows on using rock salt, especially on the newer
13 sidewalks in the City. We've made a lot of
14 investments in the City; millions and millions of
15 dollars in new sidewalks and streetscape in the
16 City and the rock salt actually kills the trees
17 and destroys the sidewalks.

18 We had the contractor come back -- and the
19 engineer and replace some of the sidewalks
20 already on New York Avenue.

21 When you throw rock salt on the sidewalk,
22 especially those with stamped concrete, it ruins
23 the sidewalk. So we've asked the public -- and I
24 know everyone's received it in the mail -- please
25 not to use rock salt; to use calcium chloride.

1 This is just an Ordinance on -- especially
2 in areas where there's new sidewalks, using rock
3 salt destroying it, there's going to be penalties
4 assessed and possibly paying for the sidewalk.

5 I mean to put these sidewalks in is
6 millions upon millions of dollars were spent on
7 New York Avenue. We want to preserve the
8 sidewalks.

9 If you take care of those sidewalks, those
10 sidewalks will be there for 30 years. They're
11 six inches of concrete, they're reinforced;
12 they're good sidewalks. We want to maintain what
13 we have.

14 Like I always say, it's easy to renovate
15 and put new things in; to maintain it is a
16 different ballgame. We've maintained the parks
17 because we take care of them. We've maintained
18 the streets in the City, we're paving a lot of
19 streets.

20 In the next two years we'll probably spend
21 \$18 million in new streets and sidewalks. You're
22 going to see probably 30, 40 streets paved in the
23 next two and a half, three years. So we want to
24 maintain that.

25 We want to pave every street in the City;

1 we want to put sidewalks in. The sidewalk is the
2 responsibility of the property owner. When we
3 put a new street in we give everybody a new
4 sidewalk because we want to build up the
5 infrastructure. But it is the responsibility.
6 You put your own sidewalk in, anyone who knows,
7 you're looking five, six, seven, maybe \$10,000.00
8 depending on the size of the property. That's no
9 tree. That's no six inches of concrete. That's
10 three or four inches of concrete.

11 So we want to maintain what we have. We
12 want everybody to have an investment in our City
13 here and take care of what we have.

14 I'll move it.

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

17 COMMISSIONER VALDIVIA: Second.

18 COMMISSIONER FERNANDEZ: Second.

19 ACTING CITY CLERK: Second by Commissioner
20 Valdivia.

21 Roll call.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes.

24 ACTING CITY CLERK: Commissioner Rivas?

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 **ORDINANCE (S) FOR INTRODUCTION:**

10

11 2. AN ORDINANCE AMENDING CHAPTER 40 AFFORDABLE
12 HOUSING

13

14 ACTING CITY CLERK: Next Ordinance is
15 Amending Chapter 40, Affordable Housing.

16 MAYOR STACK: I'll move it.

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

19 COMMISSIONER RIVAS: Second.

20 ACTING CITY CLERK: Second by Commissioner
21 Rivas.

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 **ORDINANCE (S) FOR INTRODUCTION:**

11

12 3. AN ORDINANCE AMENDING CHAPTER 334

13 "MAINTENANCE OF SERVICES"

14

15 ACTING CITY CLERK: Next Ordinance Amending
16 Chapter 334, Maintenance of Services.

17 MAYOR STACK: I'll move it.

18 COMMISSIONER MARTINETTI: Second.

19 ACTING CITY CLERK: Motion by Mayor Stack.

20 Second by Commissioner Martinetti.

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 **ORDINANCE (S) FOR INTRODUCTION:**

10

11 4. AN ORDINANCE AMENDING CHAPTER 155 OF THE
12 CODE OF THE CITY OF UNION CITY ENTITLED "FEES"

13

14 ACTING CITY CLERK: Next Ordinance Amending
15 Chapter 155 of the Code of the City of Union City
16 entitled Fees.

17 COMMISSIONER VALDIVIA: Move.

18 MAYOR STACK: I'll move it.

19 Second.

20 ACTING CITY CLERK: Motion made by
21 Commissioner Valdivia.

22 Second by Mayor Stack.

23 Roll call.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 ACTING CITY CLERK: Commissioner Rivas?

2 COMMISSIONER RIVAS: Yes.

3 ACTING CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Yes.

5 ACTING CITY CLERK: Commissioner

6 Martinetti?

7 COMMISSIONER MARTINETTI: Yes.

8 ACTING CITY CLERK: Mayor Stack?

9 MAYOR STACK: Yes.

10

11 **REGULAR AGENDA:**

12

13 1. Resolution Approving the Redevelopment
14 Agency Payroll for the Period of December 3, 2014
15 through December 16, 2014

16

17 ACTING CITY CLERK: Next item is the
18 Regular Agenda.

19 First item is Resolution Approving the
20 Redevelopment Agency Payroll Agency -- Agency
21 Payroll for the Period December 3rd, 2014 through
22 December 16, 2014.

23 COMMISSIONER MARTINETTI: Motion.

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: Motion made by

1 Commissioner Martinetti.

2 Second by Commissioner Valdivia.

3 Roll call.

4 Commissioner Fernandez; --

5 MS. de los RIOS: No.

6 ACTING CITY CLERK: -- recusing.

7 COMMISSIONER FERNANDEZ: Yes, I'm recusing.

8 MS. de los RIOS: Yes.

9 ACTING CITY CLERK: 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 2. Resolution Authorizing Payment of Claim to
22 the Union City Board of Education

23

24 ACTING CITY CLERK: Second item.

25 Resolution Authorizing Payment of Claim to

1 the Union City Board of Education.

2 MAYOR STACK: I'll move it.

3 COMMISSIONER RIVAS: I'll second it.

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

6 Second by Commissioner Rivas.

7 Roll call.

8 Commissioner Fernandez; recusing.

9 MS. de los RIOS: Recusing.

10 ACTING CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 ACTING CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 ACTING CITY CLERK: Commissioner
15 Martinetti?

16 MS. de los RIOS: Recusing.

17 ACTING CITY CLERK: Recusing.

18 Mayor Stack?

19 MAYOR STACK: Yes.

20 MS. de los RIOS: And for the record, we do
21 need to invoke the Doctrine of Necessity on this
22 to allow Commissioner Valdivia to vote.

23 ACTING CITY CLERK: Commissioner Valdivia
24 will vote, yes.
25

1 **REGULAR AGENDA:**

2

3 3. Resolution Authorizing Payment of Claim to
4 the Grace Theater Workshop, Inc.

5

6 ACTING CITY CLERK: Item 3.

7 Resolution Authorizing Payment of Claim to
8 the Grace Theater Workshop, --

9 MAYOR STACK: I'll move it.

10 ACTING CITY CLERK: -- Inc.

11 COMMISSIONER RIVAS: I'll second it.

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

14 Second by Commissioner Rivas.

15 Commissioner Fernandez; recusing.

16 Commissioner Rivas?

17 COMMISSIONER RIVAS: Yes.

18 ACTING CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 ACTING CITY CLERK: Commissioner
21 Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 ACTING CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25

1 **REGULAR AGENDA:**

2

3 4. Resolution to Establish Temporary
4 Appropriation to the Fiscal Year 2015 Budget

5

6 ACTING CITY CLERK: Item 4.

7 Resolution to Establish Temporary

8 Appropriation to the Fiscal Year 2015 Budget.

9 MAYOR STACK: I'll move it.

10 COMMISSIONER RIVAS: I'll second.

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

13 COMMISSIONER RIVAS: Second.

14 ACTING CITY CLERK: Second by Commissioner
15 Rivas.

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 MS. de los RIOS: And for the record,
4 please, record reflect item 2, for the North
5 Hudson Regional Fire and Rescue, Commissioner
6 Martinetti will be recusing.

7 And as well as on item number 7, with
8 respect to the Union City Redevelopment Agency,
9 Commissioner Fernandez will be recusing.

10 ACTING CITY CLERK: Otherwise yes to the
11 rest.

12

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

14

15 ACTING CITY CLERK: Mayor, do you wish to
16 take public comment on any items on the Regular
17 Agenda?

18 MAYOR STACK: Sure.

19 Just before we do I would just like to
20 thank those members of the public that are here
21 this evening.

22 The Commissioners and I move a hundred
23 percent of the meetings around the City, always
24 in the evening hours. And we're happy to do so
25 just to keep in contact with the residents who

1 live in every neighborhood, in addition to the
2 other -- Mobile Mayor's City Hall and all the
3 other events and functions that we hold in the
4 City. It's important that you see how your
5 government works.

6 Tonight's meeting I know that everyone was
7 contacted by mail from 21st Street to 30th Street,
8 from Mountain Road all the way over to Kennedy
9 Boulevard.

10 Anyone at this time wishing to address the
11 Board on any matter concerning municipal
12 government in the City of Union City?

13 I guess everybody's happy with the
14 holidays.

15 Well, I'd like to wish everybody a happy
16 and healthy holiday season; healthy and happy new
17 year to everyone.

18 Thank you everyone.

19 ACTING CITY CLERK: Is there a motion to
20 close public comment portion --

21 COMMISSIONER VALDIVIA: Motion.

22 MAYOR STACK: Motion.

23 ACTING CITY CLERK: Motion made by --

24 COMMISSIONER FERNANDEZ: Second.

25 ACTING CITY CLERK: -- Mayor Stack.

1 Second by Commissioner Fernandez.

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: Mayor, there's Liquor

15 License Disciplinary Proceedings.

16 MAYOR STACK: Sure.

17 Everyone is welcome to stay if you like.

18 The portion of the meeting we're going into right

19 now is liquor license disciplinary hearings.

20 Thank you very much, everyone.

21

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1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. Caribe Club Restaurant t/a Caribe Club, 727
4 24th Street, Liquor License No. 0910-33-210-005

5 2. RG Enterprise Entertainment t/a Therapy
6 Lounge, 2803 Bergenline Avenue, License No.
7 0910-33-134-006

8 3. Uno Bar t/a Uno Bar, 3607 New York Avenue,
9 Liquor License No. 0910-33-108-004

10 4. Manhattan Bar & Grill, 1711 Manhattan
11 Avenue, Liquor License No. 0910-33-188-004

12

13 MAYOR STACK: Mr. Farmer?

14 MR. FARMER: Yes.

15 There are four entries on tonight's agenda.

16

17 * * *

18

19 **MANHATTAN BAR & GRILL, 1711 Manhattan Avenue,**

20 **Liquor License No. 0910-33-188-004:**

21

22 MR. FARMER: The first one I would like to
23 take is number 4, that's the easiest, that's
24 Manhattan Bar and Grill.

25 You may recall that when it was renewed

1 | there were restrictions and conditions placed on
2 | the license, specifically when they were supposed
3 | to stop playing music. The came out to be
4 | roughly 11:30.

5 | There was, however, one exception and it
6 | was noted in the record at the time and that
7 | would be New Year's Eve; instead of closing --
8 | instead of stopping the music at 11:30, it was
9 | going to stop at 12. That was what was agreed.

10 | Unfortunately when I prepared the
11 | Resolution, I did not put in that it would be on
12 | New Year's Eve extended to 12 o'clock.

13 | I have an amended Resolution to change that
14 | and that would take care of number 4.

15 | Okay?

16 | So, -- and I've already note -- Chief
17 | Molinari and Lieutenant Detective Loaces about
18 | that.

19 |

20 | * * *

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1 UNO BAR t/a UNO BAR, 3607 New York Avenue, Liquor
2 License No. 0910-33-108-004:

3

4 MR. FARMER: The next one is -- let's move
5 up on it -- Uno Bar.

6 Now Uno Bar is a situation where Detective
7 Dunlay has spent a great deal of time
8 investigating the matter and the Police have some
9 concerns about the ownership and this, that or
10 the other thing.

11 The people were there in my office a few
12 days ago, which is customary. When we have a
13 hearing on for today, I try to get the people in
14 the Thursday before to see if they're going to
15 plead guilty, we can negotiate something. And
16 the licensee didn't appear but her surrogate did
17 and I'm surprised that they're not here tonight.

18 And, basically, Detective Dunlay went over
19 there this past Saturday night and requested --
20 how it all started was a request for documents;
21 didn't produce the documents. Under the law they
22 can -- when I say they, the Police can make a
23 demand to produce the documents within seven days
24 and if you don't do it in seven days, it's a 30
25 day suspension.

1 They --

2 MAYOR STACK: Who are they --

3 I'm sorry, Mr. Farmer.

4 Who are they represented by?

5 MR. FARMER: Not represented by anybody.

6 MAYOR STACK: This goes back to the night
7 that we were in Union Hill -- in Union Hill
8 Middle School? Back -- all the way back to then?

9 SERGEANT DUNLAY: Yes, Mayor, this is an
10 investigation --

11 MR. FARMER: Right.

12 SERGEANT DUNLAY: -- actually from --

13 MS. DILLON: Just name for the record.

14 SERGEANT DUNLAY: -- December, 2013.

15 MAYOR STACK: Right.

16 SERGEANT DUNLAY: I'm sorry.

17 MAYOR STACK: I remember that.

18 SERGEANT DUNLAY: Sergeant David Dunlay, --

19 MAYOR STACK: I remember.

20 SERGEANT DUNLAY: -- Union City Police.

21 MAYOR STACK: I think we were in Union Hill
22 Middle School at the time and she said she was
23 going to seek counsel, I thought or something,
24 right?

25 SERGEANT DUNLAY: Correct.

1 You offered her -- one of the attorneys
2 actually --

3 COMMISSIONER VALDIVIA: Yeah, Luis Diaz.

4 SERGEANT DUNLAY: -- offered their
5 services.

6 MR. FARMER: Luis Diaz.

7 MAYOR STACK: He's representing her or he's
8 not?

9 MR. FARMER: No, no.

10 MAYOR STACK: He's not.

11 COMMISSIONER VALDIVIA: He gave her legal
12 advice.

13 MAYOR STACK: And she's not open right now
14 though, right?

15 Uno Bar is not open.

16 SERGEANT DUNLAY: No, Uno Bar opens on
17 Fridays and Saturdays.

18 MAYOR STACK: Fridays and Saturdays.

19 SERGEANT DUNLAY: Yes.

20 MR. FARMER: They're open as -- as per an
21 ad interim. That's going to run out soon. Okay?

22 And my application is really not to renew
23 it, given all of this issues with ownership. Or
24 that at least she comes before the Board and
25 satisfies to the Board a comfort level that she

1 is, in fact, the owner.

2 She's made some statements to Detective
3 Dunlay concerning, I lost the building, I lost
4 the license, somebody's helping me with the
5 license, story about that.

6 You can -- he can --

7 I shouldn't talk for him. He certainly can
8 speak for himself; but why don't you relate that.

9 MAYOR STACK: And when is the renewal?
10 When did it come up?

11 MR. FARMER: The renewal -- the renewal --
12 I don't think we've renewed this license.

13 SERGEANT DUNLAY: No, the --

14 MAYOR STACK: Okay, no, but you said that
15 she was coming up --

16 Maybe I didn't hear what you said.

17 MR. FARMER: Right.

18 MAYOR STACK: You said that she was coming
19 up now; you weren't inclined to renew something.

20 MR. FARMER: Well, I'm not inclined to
21 recommend a renewal of the license until the
22 Police have a comfort level that -- concerning
23 the ownership because they've gotten conflicting
24 statements --

25 MAYOR STACK: Why don't we do this though,

1 | if we're concerned about who owns it, why don't
2 | we just shut it down and let her go to Trenton on
3 | it?

4 | MR. FARMER: Oh, I guess we can do that.

5 | MAYOR STACK: Can we do it?

6 | MR. FARMER: I guess we can do that. We
7 | can try it.

8 | MAYOR STACK: If she won't come forward on
9 | who's the owner and she's not here tonight and
10 | we've been going back and forth on this to close
11 | to a year, --

12 | COMMISSIONER FERNANDEZ: Yeah. Long time.

13 | MAYOR STACK: -- we should just shut her
14 | down. Let's shut her down effective whatever
15 | date you feel we can do it --

16 | MR. FARMER: Okay.

17 | MAYOR STACK: -- legally.

18 | If it's a 48 hour notice that we have to
19 | give her so she can go down to ABC in Trenton,
20 | that's fine. If they want to let her to remain
21 | open -- I think it's a mistake.

22 | She has to come up -- we'll get her
23 | ownership at that point. If she wants to reopen
24 | we'll get her ownership -- who owns it.

25 | MR. FARMER: Okay.

1 MAYOR STACK: How fast can we shut her
2 down, Greg?

3 MR. FARMER: Well, realistically what I
4 think, if I could make a suggestion, my
5 suggestion is that I send her out a letter
6 tomorrow, which is Wednesday, and give her seven
7 days.

8 MAYOR STACK: Okay. Okay, that's fine.
9 That would be fine.

10 MR. FARMER: And I'll alert her to the fact
11 that we're going to shut her down. That the
12 Board has indicated that they're going to shut
13 her down. And we're giving her advance notice,
14 so if she wants to do something, she can go down
15 to Trenton and do it.

16 I think we probably have to pass a
17 Resolution to that effect.

18 MAYOR STACK: And tell her that we're going
19 to shut her down as of the 24th.

20 But I --

21 MR. FARMER: The 24th?

22 MAYOR STACK: Yeah.

23 I would have the Police -- I would have the
24 Police also serve it.

25 MR. FARMER: Okay.

1 MAYOR STACK: We send it by certified mail,
2 return receipt.

3 MS. de los RIOS: We do.

4 MR. FARMER: Okay.

5 MAYOR STACK: This has been going on too
6 long. Too long. Much too long.

7 SERGEANT DUNLAY: Yeah, I believe her
8 ad interim is in effect till midnight on December
9 18th is the --

10 MAYOR STACK: December 18th?

11 SERGEANT DUNLAY: Yes. That's the date
12 that it -- her ad interim actually expires, the
13 permit. But they can always go down to
14 Trenton --

15 MR. FARMER: They can get two.

16 SERGEANT DUNLAY: -- try and get an
17 extension.

18 MAYOR STACK: Greg, can we get something
19 out tomorrow, down to the State ABC, letting them
20 know the problems we're having with this
21 establishment not coming forward and what we're
22 doing and letting them know. Just incase she
23 applies in the meantime to them.

24 MR. FARMER: Okay.

25 MAYOR STACK: All right?

1 MR. FARMER: All right. All right, we'll
2 do that.

3 MAYOR STACK: Monica, can you follow-up for
4 me?

5 MS. de los RIOS: Yes. Yes.

6 MR. FARMER: Okay?

7 SERGEANT DUNLAY: Thank you.

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1 R.G. ENTERPRISE ENTERTAINMENT t/a THERAPY LOUNGE,
2 2803 Bergenline Avenue, License No.
3 0910-33-134-006:
4

5 MR. FARMER: All right, the next one is
6 Therapy Lounge.

7 I'd like to see if we could carry that
8 because we're still looking at the --

9 MAYOR STACK: Which one is this?

10 I'm sorry.

11 COMMISSIONER MARTINETTI: Therapy.

12 MR. FARMER: Number 2, --

13 MAYOR STACK: Okay.

14 MR. FARMER: -- Therapy Lounge.

15 Detective, again, Dunlay's been great in
16 this and indeed last Saturday went down there.
17 Seems like now all the cameras are in place and
18 now also have good resolution.

19 However, the incident that's supposed to
20 have been captured on video we just got and
21 Detective Dunlay wants an opportunity to take a
22 look at it because it's two hours long.

23 So, if we could carry this to the next
24 meeting in January, I'd appreciate that.

25 MAYOR STACK: Okay.

1 MR. FARMER: Okay?

2 All right.

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1 UNO BAR t/a UNO BAR, 3607 New York Avenue, Liquor
2 License No. 0910-33-108-004:

3

4 MAYOR STACK: Just going back to Uno Bar
5 for a minute.

6 MR. FARMER: Okay.

7 MAYOR STACK: I believe Sergeant Dunlay
8 said that her extension that the State gave her
9 expires on the 18th?

10 SERGEANT DUNLAY: Correct.

11 MAYOR STACK: The 18th at midnight?

12 SERGEANT DUNLAY: Yes.

13 She can go back to Trenton and get an
14 extension for --

15 MAYOR STACK: Right. But we should go
16 there --

17 While Mr. Farmer's doing that letter in the
18 meantime, we should do --

19 Are you working on Thursday?

20 SERGEANT DUNLAY: No, sir.

21 MAYOR STACK: No?

22 SERGEANT DUNLAY: Friday night.

23 MAYOR STACK: Maybe Lieutenant Loaces could
24 arrive there and see if she has an extension. If
25 not, we can shut it down that night.

1 SERGEANT DUNLAY: She's typically open only
2 on Fridays and Saturdays.

3 MAYOR STACK: Or on Friday then; somebody
4 be on the scene on Friday.

5 Are you working on Friday?

6 SERGEANT DUNLAY: Yes, sir.

7 MAYOR STACK: Okay, good.

8 MR. FARMER: Okay.

9 And I asked -- I asked him about that.
10 Apparently the business, they got two or three
11 customers in the place.

12 Is that the extent of the business?

13 SERGEANT DUNLAY: Yes.

14 MAYOR STACK: Yeah.

15 Okay.

16 MR. FARMER: Okay.

17 MAYOR STACK: Very good.

18 MR. FARMER: Thanks.

19 So, we're putting Therapy off.

20

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1 **CARIBE CLUB RESTAURANT t/a CARIBE CLUB, 727 24th**
2 **STREET, LIQUOR LICENSE NO. 0910-33-210-005:**

3

4 MR. FARMER: The next one we have is Caribe
5 Club, which is represented by Ray Gonzalez.

6 Okay?

7 MR. GONZALEZ: Okay. I'll enter my
8 appearance?

9 MR. FARMER: Yes. Please.

10 MR. GONZALEZ: Thank you.

11 Ramon Gonzalez, G-O-N-Z-A-L-E-Z, firm
12 Gonzalez & Caride, on behalf of Caribe Lounge.

13 I have spoken to Mr. Farmer and I do have
14 one issue in that I do have one witness on this
15 matter and unfortunately he's unable to be here
16 as a result of a court requirement that he cannot
17 be here today.

18 But I have no problem with starting with
19 the police officers and then if we could continue
20 to preserve --

21 MAYOR STACK: That would be fine. That
22 would be -- I think that's a good idea being that
23 we have the police officers here, we'll do that
24 this evening. And then we could continue at the
25 next meeting. That's not a problem.

1 I think that's January, right? January
2 the --

3 MS. de los RIOS: Sixth.

4 MAYOR STACK: The 6th. Okay.

5 ACTING CITY CLERK: Yes.

6 MR. FARMER: The charges that are before
7 you are paper violations and the sale afterhours.

8 Now my first witness would be Detective
9 Musa.

10 MS. DILLON: Detective, please raise your
11 right hand.

12 Do you affirm the testimony you're about to
13 give this Board is the whole truth?

14 DETECTIVE MUSA: Yes.

15 MS. DILLON: Okay, I need you to state your
16 name and spell it for me.

17 DETECTIVE MUSA: Michael Musa, M-U-S-A.

18 MS. DILLON: Thank you.

19 MR. FARMER: Detective Musa, you're a
20 member of the Union City Police Department?

21 DETECTIVE MUSA: Yes.

22 MR. FARMER: For how long you been a member
23 of the Union City Police Department?

24 DETECTIVE MUSA: Eight years.

25 MR. FARMER: Okay.

1 I'm going to direct your attention to 727
2 24th Street.

3 Did you have occasion to go there on
4 November 2nd, 2014?

5 DETECTIVE MUSA: Yes.

6 MR. FARMER: Okay.

7 And what was the purpose of you going
8 there?

9 DETECTIVE MUSA: The -- the establishment
10 was open past hours.

11 MR. FARMER: Okay.

12 And when you say the establishment was open
13 past hours, you -- you physically went there;
14 correct?

15 DETECTIVE MUSA: Yes.

16 MR. FARMER: All right.

17 And when you went there this particular day
18 is the day we turn the clocks back; --

19 DETECTIVE MUSA: Yes.

20 MR. FARMER: -- correct?

21 DETECTIVE MUSA: Yes, it was Daylight
22 Savings.

23 MR. FARMER: Okay.

24 So, you went there and you -- did you speak
25 to the owner --

1 DETECTIVE MUSA: Yes.

2 MR. FARMER: -- or the manager?

3 DETECTIVE MUSA: Yes.

4 MR. FARMER: And can you -- and did you
5 make a report of that incident?

6 DETECTIVE MUSA: Yes.

7 MR. FARMER: Okay.

8 Can you tell us what you recall; what the
9 owner said to you and what you said to the owner
10 when you said you're open afterhours?

11 DETECTIVE MUSA: We -- we asked the owner
12 if -- if he was already advised that he needed to
13 shutdown at the original time prior to the time
14 changing and he said yes.

15 What he stated was he --

16 MR. GONZALEZ: I'm going to object to the
17 portion where he's making statements that my
18 client was advised if he was not the one who
19 advised him -- because it would be hearsay.

20 MR. FARMER: Well, we'll hook that up.
21 He's the officer. And if you look at the context
22 of the conversation, the man's going to say I was
23 told.

24 MR. GONZALEZ: Mr. Farmer's testifying.

25 MR. FARMER: All right.

1 MR. GONZALEZ: It's not what this officer
2 is saying.

3 MR. FARMER: Well, can -- can -- I'll
4 withdraw the question; I'll ask you this.

5 When you got there, did you have a
6 conversation with the person who was in charge?

7 DETECTIVE MUSA: Yes.

8 MR. FARMER: Okay.

9 Did you tell -- did the conversation
10 deal --

11 MAYOR STACK: Just if you could both just
12 keep your voices --

13 MR. FARMER: Yeah.

14 MAYORS STACK: -- up. Just so everyone can
15 hear.

16 MR. FARMER: When you had the conversation
17 with the person who was in charge, did you have a
18 conversation about the closing hours?

19 DETECTIVE MUSA: Yes.

20 MR. FARMER: Okay.

21 What did the person who was in charge say
22 to you about his understanding of the closing?

23 DETECTIVE MUSA: He stated he knew he was
24 supposed to close but he wanted to stay open for
25 extra money.

1 MR. FARMER: Okay.

2 And then you asked for some documents; --

3 DETECTIVE MUSA: Yes.

4 MR. FARMER: -- correct?

5 And when you asked for the documents were
6 there documents that the person who was in charge
7 didn't produce?

8 DETECTIVE MUSA: Yes.

9 MR. FARMER: Okay.

10 And could you tell us what those documents
11 were?

12 DETECTIVE MUSA: The 12-page application.
13 The slips and invoices of any liquor that he
14 purchased. And the book of accounts.

15 MR. FARMER: Okay.

16 Is that pretty much your recollection of
17 the events of that night?

18 DETECTIVE MUSA: Yes.

19 MR. FARMER: Okay.

20 And consequently that issued an offense
21 with respect to not having all the paperwork in
22 order and being open afterhours?

23 DETECTIVE MUSA: Yes.

24 MR. FARMER: Correct.

25 Okay, thank you. I have no further

1 questions.

2 MR. GONZALEZ: I should have asked Mr. --

3 MS. DILLON: Could you stand up, Mr.
4 Gonzalez, please?

5 I'm sorry.

6 MR. GONZALEZ: I should have asked Mr.
7 Farmer first how many witnesses he had. But if I
8 could ask him now --

9 MAYOR STACK: Sure.

10 MR. GONZALEZ: -- who are you --
11 Witness list, since you didn't provide one?

12 MR. FARMER: The situation is this.

13 We have this officer and we have the
14 officer who told the person in charge --

15 MR. GONZALEZ: So you have two officers?

16 MR. FARMER: Yup.

17 MR. GONZALEZ: That's it?

18 MR. FARMER: I may have one -- Officer
19 Ryan.

20 What difference does it make if we're
21 coming back?

22 MR. GONZALEZ: Well, it makes a difference
23 because I -- I like to have my line of
24 questioning proper. So I'd like to know.

25 So, it's Detective Musa. Potentially

1 Officer Ryan. And you said you had one more
2 officer?

3 MR. FARMER: This officer right here.
4 Right there.

5 MR. GONZALEZ: Which one?

6 OFFICER REYES: Officer Reyes.

7 MR. GONZALEZ: Officer Reyes. New one.

8 MR. FARMER: Okay.

9 MR. GONZALEZ: Okay. Thank you.

10 MR. FARMER: All right.

11 Let's be clear about something, up until
12 about an hour ago nobody was representing your
13 client. So when you start saying to me, hey,
14 where's this, I should have this so I can do that
15 and all that, -- an hour ago was the first time
16 you -- somebody showed up.

17 MR. GONZALEZ: Well, I don't know if you
18 have this or you have that but what I do know is
19 what the charges are against my client and the
20 reports that are provided.

21 MR. FARMER: Yes.

22 MR. GONZALEZ: So, --

23 MR. FARMER: Yes.

24 MR. GONZALEZ: -- if there's anything else
25 that -- that I should have, I would --

1 MR. FARMER: No question.

2 MAYOR STACK: Let's just to just move it
3 along.

4 MR. FARMER: Absolutely.

5 MR. GONZALEZ: Thank you.

6 Detective Musa, --

7 DETECTIVE MUSA: Yes.

8 MR. GONZALEZ: -- you weren't there at 1
9 o'clock in the morning that day, right?

10 DETECTIVE MUSA: No.

11 MR. GONZALEZ: You were there at 2 o'clock?

12 DETECTIVE MUSA: Yeah, it was after 2
13 o'clock.

14 MR. GONZALEZ: It was after 2 o'clock
15 before the time change or after the time change?

16 DETECTIVE MUSA: It was after 2 o'clock
17 after the change -- time change.

18 MR. GONZALEZ: It was after 2 o'clock after
19 the time change. Is that what you're telling me?

20 DETECTIVE MUSA: No, I'm sorry, I'm sorry.
21 It was after 2 o'clock before the time
22 change. So it was after the time change 1:40 or
23 1:50, I believe.

24 MR. GONZALEZ: Okay, so it was 1:50 in the
25 morning.

1 Do you know when the bars are supposed to
2 closed in Union City?

3 DETECTIVE MUSA: Two o'clock.

4 MR. GONZALEZ: Okay.

5 So with the time change it wasn't 2 o'clock
6 yet, --

7 DETECTIVE MUSA: No.

8 MR. GONZALEZ: -- correct?

9 DETECTIVE MUSA: Correct.

10 MR. GONZALEZ: All right.

11 Now, -- now, you -- you -- were you ordered
12 to go there?

13 DETECTIVE MUSA: Well, we got a call from a
14 -- well, somebody called out stating that one of
15 the establishments was still open and they
16 requested detective units.

17 MR. GONZALEZ: Well, you -- you were just
18 about to say you got a call from somebody who was
19 maybe off-duty?

20 DETECTIVE MUSA: No, no, no. It was a --
21 it was a officer who was patrolling and saw the
22 establishment open.

23 MR. GONZALEZ: And who was that officer
24 that was patrolling?

25 DETECTIVE MUSA: Sir, I don't --

1 MR. GONZALEZ: What?

2 DETECTIVE MUSA: I don't know.

3 MR. GONZALEZ: Well, did you receive a --
4 Were you working in a -- in a radio car?

5 DETECTIVE MUSA: No.

6 MR. GONZALEZ: You were in the Police
7 Station?

8 DETECTIVE MUSA: Yes.

9 MR. GONZALEZ: And -- and I'm assuming when
10 you're at the Police Station and you receive
11 orders it goes through a chain of command; is
12 that right?

13 DETECTIVE MUSA: Yes.

14 MR. GONZALEZ: Okay.

15 On that particular day who was in charge?

16 DETECTIVE MUSA: I believe it was Sergeant
17 Goodwin. I'm not sure if he was in -- I don't
18 remember. I know I was with Detective Mendoza.

19 MR. GONZALEZ: Okay.

20 DETECTIVE MUSA: I can't remember if
21 Sergeant Goodwin was --

22 MR. GONZALEZ: Did Detective Mendoza tell
23 you to go there?

24 DETECTIVE MUSA: No, we went together. We
25 -- the Comm asked for a detective.

1 MR. GONZALEZ: The Comm; what is that?

2 DETECTIVE MUSA: Communications.

3 MR. GONZALEZ: Communications.

4 So Communications contacted your or was
5 it --

6 DETECTIVE MUSA: Yes.

7 MR. GONZALEZ: Okay.

8 And you don't know who contacted
9 Communications?

10 DETECTIVE MUSA: No, I wasn't listening to
11 the radio that clearly to see who was the officer
12 who called it out.

13 MR. GONZALEZ: Okay.

14 But there's no question that the time you
15 were there it was before 2 o'clock?

16 DETECTIVE MUSA: After the time change,
17 yes.

18 MR. GONZALEZ: After the time change.

19 DETECTIVE MUSA: Yes.

20 MR. GONZALEZ: Absolutely.

21 And -- and when you arrived there you asked
22 my client for his paperwork?

23 DETECTIVE MUSA: Yes.

24 MR. GONZALEZ: Okay.

25 And how long have you been working as a

1 | detective in Union City?

2 | DETECTIVE MUSA: Since September.

3 | MR. GONZALEZ: And is it specifically on
4 | ABC cases?

5 | DETECTIVE MUSA: No.

6 | MR. GONZALEZ: Okay.

7 | So on that particular day did you have a
8 | list of documents that are supposed to be
9 | produced by a liquor license establishment?

10 | DETECTIVE MUSA: No I didn't have a list.
11 | Detective --

12 | Well, I've seen it done before and
13 | Detective Mendoza was actually helping me along
14 | with --

15 | MR. GONZALEZ: So, --

16 | DETECTIVE MUSA: -- what to ask for.

17 | MR. GONZALEZ: So, really, it was Detective
18 | Mendoza that gave you the information that you
19 | asked the bar owner for; is that right?

20 | DETECTIVE MUSA: Yes.

21 | MR. GONZALEZ: So he was really assisting
22 | you.

23 | So would you say he was the officer in
24 | charge that day?

25 | DETECTIVE MUSA: I wouldn't say in charge

1 | but, yeah, he was assisting me.

2 | MR. GONZALEZ: Okay.

3 | Because you don't know what documents are
4 | supposed to be produced; is that right?

5 | DETECTIVE MUSA: I remember somewhat from
6 | doing it prior and seeing it before.

7 | MR. GONZALEZ: All right, why don't you
8 | tell me what documents are supposed to be
9 | produced?

10 | DETECTIVE MUSA: The bar cards. The 12-
11 | page application. The certificate of occupancy.
12 | The ticket -- I'm sorry, the -- the invoices.
13 | The book of accounts. And the liquor
14 | certificate.

15 | MR. GONZALEZ: And on this particular day,
16 | when you asked Mr. Morrero (phonetic) to get you
17 | these documents, you're stating that he was
18 | unable to produce them; is that right?

19 | DETECTIVE MUSA: Yes.

20 | MR. GONZALEZ: Do you recall telling him,
21 | don't worry, you're okay with what you have?

22 | DETECTIVE MUSA: No.

23 | MR. GONZALEZ: Do you recall Detective
24 | Mendoza speaking with Mr. Morrero?

25 | DETECTIVE MUSA: I believe he -- yeah, they

1 -- they exchanged words; I'm not exactly sure --

2 MR. GONZALEZ: Okay, were you privy to that
3 conversation?

4 DETECTIVE MUSA: I was actually going
5 through the certificates and making sure that
6 they were up-to-date.

7 MR. GONZALEZ: Okay.

8 So you don't know what conversation
9 Detective Mendoza had with Mr. Morrero?

10 DETECTIVE MUSA: No.

11 MR. GONZALEZ: Okay.

12 Did you go to any other bar in Union City
13 after the time change and before 2 o'clock on
14 that day?

15 DETECTIVE MUSA: No.

16 MR. GONZALEZ: So you were directed just to
17 go to this one?

18 DETECTIVE MUSA: I believe that was the
19 only one that was open.

20 MR. GONZALEZ: Okay.

21 I have nothing further.

22 MR. FARMER: Okay. Just so we're clear.

23 The documents that weren't produced are in
24 your report, are they not?

25 DETECTIVE MUSA: Yes.

1 MR. FARMER: And those documents, your
2 understanding, the licensee's supposed to have;
3 right?

4 MS. DILLON: Speak up, Mr. Farmer.

5 DETECTIVE MUSA: Yes.

6 MR. FARMER: Okay.

7 What ones did they not have?

8 DETECTIVE MUSA: The book of accounts, the
9 12-page application, and the delivery slips and
10 invoices.

11 MR. FARMER: Okay.

12 Okay, thank you, Detective.

13 MS. DILLON: Officer please raise your
14 right hand.

15 Do you affirm the testimony you're about to
16 give this Board is the whole truth?

17 OFFICER REYES: Yes.

18 MS. DILLON: Would you please state your
19 name and spell it for me?

20 OFFICER REYES: Officer Reyes, R-E-Y-E-S.

21 MS. DILLON: First name?

22 OFFICER REYES: Julio, J-U-L-I-O.

23 MS. DILLON: Thank you, sir.

24 MR. FARMER: Officer Reyes, please keep
25 your voice up so that everybody can hear your

1 | answers. Even though it may appear that you and
2 | I are having a conversation alongside one
3 | another.

4 | Now you're a member of the Union City
5 | Police Department?

6 | OFFICER REYES: Yes.

7 | MR. FARMER: How long have you been a
8 | member of the Union City Police Department?

9 | OFFICER REYES: Approximately three years.

10 | MR. FARMER: Three years.

11 | Now, did there come a time when in May --
12 | May 8th to be exact, that you got involved with
13 | Caribe Restaurant?

14 | OFFICER REYES: Yes.

15 | MR. FARMER: Okay.

16 | Now can you tell us what your involvement
17 | consisted of with Caribe Restaurant on that day?

18 | OFFICER REYES: On that day I was advised
19 | by my immediate supervisor, Sergeant Dunlay, to
20 | advise Caribe Restaurant that they had to close
21 | at their normal time, which was 2 a.m., and due
22 | to the Daylight Savings Time they were not
23 | allowed to stay open for that extra hour.

24 | MR. FARMER: Okay.

25 | Now, when you got those instructions, what

1 | did you do with those instructions?

2 | OFFICER REYES: I went to the following
3 | bar, Caribe. I went inside; spoke to the
4 | owner --

5 | MR. FARMER: Keep your voice up.

6 | OFFICER REYES: -- or the -- the person
7 | that was the supervisor that day -- in charge.
8 | And I explained to them they had to close at 2
9 | a.m. and that they were not allowed to stay that
10 | extra hour of Daylight Savings Time, to which
11 | they understood.

12 | MR. FARMER: Okay.

13 | When you say they understood or he
14 | understood, what do you recall him saying to you
15 | when you were telling him that you had to close,
16 | basically, --

17 | OFFICER REYES: Well, initially, he --

18 | MR. FARMER: -- at the stroke of 2 o'clock?

19 | OFFICER REYES: Initially he told me he
20 | understood he had to close but that he thought it
21 | was unfair that he had to close at that time
22 | because it was going to hurt him and his
23 | business.

24 | MR. FARMER: Okay.

25 | OFFICER REYES: So he complained. He said

1 he was going to file a complaint with the higher-
2 ups.

3 MR. FARMER: All right.

4 And about what time was that if you recall?

5 OFFICER REYES: It was 12:30-something, --

6 MR. FARMER: Twelve-thirty?

7 OFFICER REYES: -- I'm not sure.

8 MR. FARMER: Okay.

9 And after that did you ever return to that
10 establishment that night?

11 OFFICER REYES: No.

12 MR. FARMER: Okay.

13 All right. So I get this, you personally
14 went there, had a conversation with the person in
15 charge, said --

16 MR. GONZALEZ: I'm going to object to Mr.
17 Farmer recapping the testimony.

18 MR. FARMER: -- said you can't stay open
19 after two?

20 MR. GONZALEZ: I'm going to object to --

21 MR. FARMER: Okay.

22 MR. GONZALEZ: -- Mr. Farmer recapping.

23 MR. FARMER: I'll withdraw that. I'll
24 withdraw that.

25 Okay, go ahead. No further questions.

1 MR. GONZALEZ: Officer Reyes, --

2 MS. DILLON: You need to stand up, Mr.
3 Gonzalez.

4 MR. GONZALEZ: Sorry.

5 Officer Reyes, do you know what time bars
6 are supposed to close in Union City?

7 OFFICER REYES: Yes, 2 a.m.

8 MR. GONZALEZ: Okay. When you went at
9 12:30, that was at the direction of Sergeant who?

10 OFFICER REYES: Dunlay.

11 MR. GONZALEZ: And did he tell you that
12 that was his order or was that an order from
13 somebody else?

14 OFFICER REYES: He didn't state but he just
15 told me that that was an order; that I had to go
16 to the bar and advise them that they had to close
17 at 2 a.m.

18 MR. GONZALEZ: At 2 a.m.

19 OFFICER REYES: Because there was a City
20 Ordinance.

21 MR. GONZALEZ: Okay.

22 Do you know what time this bar closed?

23 OFFICER REYES: I'm not aware because I --
24 I didn't go back to the bar.

25 MR. GONZALEZ: Okay.

1 So you told them to close at 2 -- 2 a.m. on
2 that day?

3 OFFICER REYES: Yes.

4 MR. GONZALEZ: I have nothing further.

5 MR. FARMER: Okay. Thanks a million.

6 OFFICER REYES: You're welcome.

7 MR. FARMER: Detective Dunlay?

8 SERGEANT DUNLAY: Yes, sir.

9 MR. FARMER: Since your name's been
10 mentioned here, can you tell us --

11 MS. DILLON: Let me swear him in.

12 MR. FARMER: -- what your recoll --

13 Oh yeah, I'm sorry.

14 MS. DILLON: Do you affirm the testimony
15 you're about to give this Board is the whole
16 truth?

17 SERGEANT DUNLAY: Yes I do.

18 MS. DILLON: Please state your name for the
19 record.

20 SERGEANT DUNLAY: David A. Dunlay,
21 Sergeant, Union City Police.

22 MS. DILLON: Thank you.

23 MR. FARMER: Detective, concerning Caribe
24 Restaurant, can you tell us what your knowledge
25 or involvement is relative to the offense that

1 he's charged with today of being open afterhours?

2 SERGEANT DUNLAY: I was working the police
3 desk from 11:30 to 7:30 was my shift and that --
4 the day that -- the day that we're -- actually
5 that's in question.

6 I asked two officers, Officer Reyes and
7 Officer Lara, to conduct checks of every tavern
8 just to advise the administration that they
9 needed to close before -- that there was no extra
10 hour. So at 2 o'clock, even though the clocks
11 went back, they need to be closed as per
12 ordinances.

13 MR. FARMER: And you gave that order?

14 SERGEANT DUNLAY: That's correct.

15 MR. FARMER: The officers -- how many bars
16 did they close - recall, if you know?

17 SERGEANT DUNLAY: I don't -- I couldn't
18 tell you. They called each one on the radio.
19 They did an entry in the computer system on every
20 bar that they went into just making the
21 notification.

22 MR. FARMER: Okay.

23 All right, I have no further questions.

24 MR. GONZALEZ: Sergeant Dunlay, --

25 SERGEANT DUNLAY: Yes, sir.

1 MR. GONZALEZ: -- who gave you the
2 directions to call or have every bar notified
3 that they had to be closed?

4 SERGEANT DUNLAY: Me.

5 MR. GONZALEZ: You?

6 SERGEANT DUNLAY: Yes.

7 MR. GONZALEZ: So you took it upon yourself
8 to tell every bar owner that they had to close at
9 1 o'clock on that day?

10 SERGEANT DUNLAY: No. At 1:59, when it
11 goes to 2, even though the clocks go back, the --
12 all the taverns need to be closed.

13 MR. GONZALEZ: Okay.

14 And you said that that's as a result of an
15 Ordinance; is that right?

16 SERGEANT DUNLAY: The hours -- the hours of
17 operation.

18 MR. GONZALEZ: Yes. Okay.

19 And can you tell me what Ordinance you're
20 talking about?

21 SERGEANT DUNLAY: Hold on right here.

22 Ordinance 58-9, Regulations of Licenses on
23 Hours of Sale.

24 MR. GONZALEZ: And it says that they have
25 to close at 2 o'clock; right?

1 SERGEANT DUNLAY: Correct.

2 MR. GONZALEZ: And on that particular day
3 the time gets changed an hour back; is that
4 right?

5 SERGEANT DUNLAY: That's correct.

6 MR. GONZALEZ: So from the information you
7 have my client was open --

8 SERGEANT DUNLAY: Well, --

9 MR. GONZALEZ: -- up till 2 o'clock?

10 SERGEANT DUNLAY: -- at 1:30, no more
11 alcohol sales can occur.

12 MR. GONZALEZ: Okay.

13 SERGEANT DUNLAY: At 2 o'clock everybody
14 needs to be out -- out of the tavern.

15 MR. GONZALEZ: Okay.

16 So you don't know if alcohol was sold and
17 you don't know what time it closed?

18 SERGEANT DUNLAY: I wasn't there. I was
19 the desk --

20 MR. GONZALEZ: But you know that that day
21 the time changed?

22 SERGEANT DUNLAY: Correct.

23 MR. GONZALEZ: All right?

24 So, according to the Ordinance, you were
25 telling bar owners to close an hour ahead?

1 SERGEANT DUNLAY: No.

2 MR. GONZALEZ: If the time changes and it
3 makes it an hour later, 2 o'clock, that comports
4 with the Ordinance; isn't that true?

5 SERGEANT DUNLAY: At 2 o'clock, it becomes
6 1 o'clock; correct?

7 So at 2 o'clock, it's technically 2
8 o'clock. Then it goes back to 1 o'clock.

9 At 1:59:59 -- am I correct, that everybody
10 needs to be out. Before 1:59:59 there cannot be
11 one single person inside that bar.

12 And now the clock goes back.

13 MR. GONZALEZ: What time was that bar open?

14 SERGEANT DUNLAY: I don't -- I don't know.

15 MR. GONZALEZ: Okay.

16 So -- so you're saying -- you're saying
17 what happens in spring is what you're saying
18 should happen in fall?

19 MR. FARMER: I'm going to object to that.

20 MR. GONZALEZ: Well, he's making --

21 MR. FARMER: Because --

22 MR. GONZALEZ: -- the analogy --

23 MR. FARMER: But wait a second. But wait a
24 second. Let me finish my objection.

25 I don't know --

1 MR. GONZALEZ: You fall back --

2 MR. FARMER: I don't know --

3 MR. GONZALEZ: -- fall.

4 MR. FARMER: -- how anybody could answer
5 that question because it's contradictory.

6 You're saying spring is like fall. They're
7 not. Spring you spring forward; fall you fall
8 back.

9 So how can you say this is the same?

10 MR. GONZALEZ: You know, Mr. Farmer, I'm so
11 glad you made that analogy because that's exactly
12 what I'm trying to get from the officer.

13 In the fall the hour falls back. So they
14 have an hour more that they could be open.

15 And in the spring it changes in the
16 opposite direction where they have an hour less.

17 Isn't that true, Officer?

18 No.

19 Based on what?

20 SERGEANT DUNLAY: On the time. Two o'clock
21 closing.

22 MR. GONZALEZ: I have nothing further.

23 MR. FARMER: Okay.

24 Just let -- just let me ask you -- ask this
25 question.

1 Historically, -- historically, does the
2 Union City Police Department call bars with
3 respect to Daylight Saving Time and tell them --

4 SERGEANT DUNLAY: Yes, it's a tradition
5 that since I've been working the Detective --
6 when I worked in Detective Bureau for six years
7 and if I worked on that day we had to go make the
8 notifications and advise every bar that, just to
9 remind them, that they cannot stay open.

10 MR. FARMER: Okay.

11 All right, I have no further questions.

12 Anything on that?

13 MR. GONZALEZ: No.

14 MR. FARMER: Okay.

15 I guess we'll adjourn to the next time.

16 MR. GONZALEZ: Do you have anymore
17 witnesses?

18 MR. FARMER: No. I just had those two.

19 MR. GONZALEZ: I'll come back on -- with my
20 witness.

21 MAYOR STACK: January -- January the 6th,
22 right?

23 MS. de los RIOS: Sixth.

24 MR. GONZALEZ: Yeah, that's fine.

25 MAYOR STACK: Where are we at January the

1 6th?

2 ACTING CITY CLERK: We at --

3 COMMISSIONER VALDIVIA: Jefferson.

4 ACTING CITY CLERK: -- Jefferson.

5 MAYOR STACK: Jefferson School; January

6 6th. And that would be on the ground level, Ray.

7 MR. FARMER: January 6.

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

10 MAYOR STACK: Mr. Farmer, do you have
11 anything -- anything further?

12 MR. FARMER: No, that's it. Okay?

13 MAYOR STACK: Okay.

14

15 * * *

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1 UNO BAR t/a UNO BAR, 3607 New York Avenue, Liquor
2 License No. 0910-33-108-004:

3

4 MAYOR STACK: I believe, and I could be
5 wrong, I think the owner of Uno Bar is now here.
6 I believe she just came in.

7 MR. FARMER: Oh. Okay.

8 MAYOR STACK: Maybe you want to call her up
9 or --

10 MR. FARMER: Yeah.

11 Mrs. Castro?

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

14 MR. FARMER: Okay, we ready?

15 You want to swear Mrs. Castro in and the
16 Interpreter?

17 MS. DILLON: Okay. Well first let me swear
18 in the Interpreter.

19 Sol, let me -- let me swear you first.

20 MS. VILLON: Yes.

21 MS. DILLON: Do you affirm that you will do
22 the interpretations from English to Spanish and
23 Spanish to English to the best of your ability?

24 MS. VILLON: I do.

25 Sol Villon, AOC Interpreter, Spanish.

1 (Whereupon, Sol Villon, Interpreter,
2 translated from English to Spanish and Spanish to
3 English for Dolores Castro.)

4 MS. DILLON: Okay.

5 Ma'am, please raise your right hand.

6 Do you affirm that the testimony you're
7 about to give this Board is the whole truth?

8 THE INTERPRETER: Yes.

9 MS. DILLON: Okay, I need you to state your
10 name and spell it for the record.

11 MS. CASTRO: (In English) Dolores Castro.

12 MS. DILLON: Spell it.

13 MS. CASTRO: (In English) C-A-S-T-R-O.

14 MS. DILLON: Okay.

15 MS. CASTRO: (In English) Castro.

16 THE INTERPRETER: I speak two or three
17 words.

18 MR. FARMER: Mrs. Castro, you're here
19 without an attorney.

20 Is that your choice to proceed in these
21 proceedings without an attorney?

22 THE INTERPRETER: Well, for now I do not
23 have an attorney but -- but if one is needed I
24 would have to get myself one.

25 MR. FARMER: Well, I don't know what that

1 means.

2 THE INTERPRETER: Well, that if you -- if I
3 do need one, --

4 MR. FARMER: Let me ask you --

5 THE INTERPRETER: -- I will --

6 MR. FARMER: -- this question.

7 Is there any reason why you haven't gotten
8 an attorney yet in the past four, five, six
9 months?

10 THE INTERPRETER: Well, because I haven't
11 really been in a position to do so.

12 MR. FARMER: What do you mean by that?

13 THE INTERPRETER: 'Cause I've had the
14 business closed.

15 MR. FARMER: Okay.

16 And have you reopened the business?

17 THE INTERPRETER: Yes for two, three days I
18 opened it, yes.

19 MR. FARMER: And has -- and was that with
20 the help of Eduardo Gonzalez?

21 MS. VILLON: Eduardo?

22 MR. FARMER: Eduardo.

23 THE INTERPRETER: No, Manuel Robles
24 (phonetic), my friend. That's his name.

25 MR. FARMER: Okay.

1 When -- do you have, since you're now open,
2 do you have a business account?

3 Business bank account?

4 THE INTERPRETER: Oh, no, not -- not for
5 now.

6 MR. FARMER: So you have a business that
7 has no bank account?

8 THE INTERPRETER: No because I'm having
9 problems with the business.

10 MR. FARMER: Well, concerning problems with
11 the business, have you had conversations with
12 Detective Dunlay where you told him that you've
13 had problems with the business?

14 THE INTERPRETER: Yes.

15 MR. FARMER: And have you told him that as
16 a result of those financial problems you've lost
17 the building where the business is in?

18 THE INTERPRETER: Yes. Yes.

19 MR. FARMER: And who owns that building?

20 THE INTERPRETER: Oscar -- what? I forgot
21 his name.

22 MR. FARMER: Well, isn't he your landlord?

23 THE INTERPRETER: Now he is, yes.

24 MR. FARMER: Okay.

25 And what's his name? Who do you pay rent

1 to?

2 THE INTERPRETER: To Oscar. Oscar.

3 MR. FARMER: Okay.

4 Did you tell Detective Dunlay, as a result
5 of the financial problems that you were having,
6 that you sold the license?

7 THE INTERPRETER: No.

8 MR. FARMER: And that you never --

9 THE INTERPRETER: I am trying to sell it.

10 MR. FARMER: But you never told him that
11 you sold the license?

12 I want to be clear on that.

13 You never --

14 THE INTERPRETER: No. No.

15 MR. FARMER: You never gave anybody an
16 interest in that license?

17 THE INTERPRETER: No.

18 MR. FARMER: Can you tell me why the person
19 who always shows up to represent your interest
20 isn't here this evening?

21 THE INTERPRETER: The gentleman -- are you
22 asking --

23 MR. FARMER: Yeah.

24 THE INTERPRETER: Alberto Rodriguez?

25 MR. FARMER: Yeah.

1 THE INTERPRETER: Oh, he's here.

2 MR. FARMER: Where is he?

3 THE INTERPRETER: He's the manager.

4 MR. FARMER: Oh, okay.

5 He's the manager.

6 THE INTERPRETER: Alberto Rodriguez.

7 MR. FARMER: And with respect to -- did you
8 ever tell Detective Dunlay that anybody other
9 than you owned that bar?

10 THE INTERPRETER: No.

11 MR. FARMER: Okay.

12 With respect to Detective Dunlay, has he
13 over the period of time asked you to produce
14 documents concerning the business?

15 THE INTERPRETER: Yes and I have given them
16 to him.

17 MR. FARMER: Is it your testimony that you
18 have given Detective Dunlay all the documents
19 that he has requested?

20 THE INTERPRETER: Yes.

21 MR. FARMER: Okay.

22 Were you there -- are you aware that this
23 past Saturday Detective Dunlay went to the
24 establishment, into the bar?

25 THE INTERPRETER: Yes the gentleman told me

1 | because I was not there.

2 | MR. FARMER: You were not there.

3 | THE INTERPRETER: Because I've been
4 | somewhat sick. I've been ill with my legs.

5 | MR. FARMER: But you knew Detective Dunlay
6 | was coming that time.

7 | THE INTERPRETER: Well because he told me;
8 | he said that to me.

9 | MR. FARMER: Okay.

10 | THE INTERPRETER: And I also had a bad
11 | cold.

12 | MR. FARMER: So the information you got was
13 | from the gentleman who always represents you?

14 | THE INTERPRETER: Yes.

15 | MR. FARMER: Okay.

16 | And it's your testimony that Sergeant --

17 | So if I asked Detective Dunlay do you have
18 | all the papers that you've ever requested from
19 | Miss Castro, his answer would be yes?

20 | THE INTERPRETER: Yes.

21 | MR. FARMER: I have no further questions.

22 | Now, can we swear Detective Dunlay?

23 | MS. DILLON: Sergeant, please raise your
24 | right hand.

25 | Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 SERGEANT DUNLAY: I do.

3 MS. DILLON: Just state your name for the
4 record.

5 SERGEANT DUNLAY: Sure.

6 Sergeant David A. Dunlay, D-U-N-L-A-Y,
7 Union City Police.

8 MR. FARMER: Sergeant Dunlay, my first
9 question to you, has Mrs. Castro of Uno Bar
10 produced to you all of the documents that you
11 have requested?

12 SERGEANT DUNLAY: In the span of a year, I
13 believe we're about 95 percent --

14 MR. FARMER: Okay.

15 SERGEANT DUNLAY: -- complete.

16 MR. FARMER: Okay.

17 And you had give --

18 MAYOR STACK: What was that -- what was
19 that about the 95 percent?

20 What was the question?

21 COMMISSIONER MARTINETTI: Produce the
22 papers.

23 MAYOR STACK: I'm sorry?

24 MR. FARMER: Repeat your answer.

25 MAYOR STACK: Just repeat the question, Mr.

1 Farmer.

2 I'm sorry.

3 MR. FARMER: My question was are you in
4 receipt of all of the documents that you have
5 requested of Mrs. Castro concerning the bar.

6 And his answer is?

7 SERGEANT DUNLAY: In the -- within the span
8 of one year, a little over a year, I would say
9 we're about 95 percent complete.

10 MAYOR STACK: Okay.

11 MR. FARMER: And you had given her a notice
12 that required her, within seven days, to produce
13 certain documents?

14 SERGEANT DUNLAY: That's correct.

15 MR. FARMER: And many of those documents
16 are the 95 percent that now has been produced
17 nine, ten months later?

18 SERGEANT DUNLAY: Thirteen almost, yes.

19 MR. FARMER: Okay, 13 months. Okay.

20 And that notice was sent to her.

21 Right?

22 SERGEANT DUNLAY: Yes, certified mail,
23 return receipt.

24 MR. FARMER: Okay.

25 Now let me ask you a question. The Police

1 have investigated this bar; have they not?

2 SERGEANT DUNLAY: Yes.

3 MR. FARMER: And can you tell me whether or
4 not you're aware of what the Police's attitude is
5 towards the bar?

6 SERGEANT DUNLAY: It's very unclear right
7 now as to who has an interest in this actual
8 liquor license.

9 MR. FARMER: Why do you say that?

10 SERGEANT DUNLAY: Because it's always
11 someone -- some person -- within the past year
12 Ms. Castro has given me stories that at one point
13 Mr. Alberto Rodriguez was her current manager;
14 was against her, stole her license and her
15 business. Then he came back into the picture.

16 Now, -- then we had information that Mr.
17 Eduardo Gonzalez was part of the ownership with
18 the bar. That was spoken to Mr. Alberto
19 Rodriguez and Ms. Castro. It was deemed that he
20 was more of an assistant in renovation projects.

21 MAYOR STACK: Just if I may ask a question.

22 Wait a minute.

23 Eduardo Gonzalez is involved with this
24 license?

25 SERGEANT DUNLAY: Initially that was the --

1 | that was thought of. And then there was
2 | nothing --

3 | MAYOR STACK: Has Mrs. Castro represented
4 | that any point that he was any part of this
5 | business?

6 | MR. FARMER: No. What the situation is
7 | that the Police at one time, when the place was
8 | going under renovation, saw Mr. Gonzalez
9 | painting, spackling, redoing some construction
10 | work -- for lack of a better phrase. That's the
11 | sole thing of involvement of Mr. Gonzalez that we
12 | have been able to determine to this point. All
13 | right?

14 | And I asked her before whether or not Mr.
15 | Gonzalez was part of it. Okay?

16 | THE INTERPRETER: Yeah and he actually did
17 | it for free.

18 | MR. FARMER: Okay. All right.

19 | So, -- all right, I think the officer
20 | indicated that he served the notice by certified
21 | mail on her. She's still not produced a hundred
22 | percent of it. And that's where we are.

23 | THE INTERPRETER: I have not received
24 | anything.

25 | MAYOR STACK: And what are we waiting for

1 with this license?

2 We're waiting for her to prove who's the
3 owner?

4 MR. FARMER: Yes. Yes.

5 MAYOR STACK: And she hasn't done that?

6 MR. FARMER: She hasn't done it.

7 THE INTERPRETER: But I am.

8 MR. FARMER: The Police don't have a
9 comfort level.

10 But you know this is my application. My
11 application right now is that she has not
12 complied with what we asked her to comply months
13 and months ago.

14 The law is clear that if you serve -- if
15 you go and ask for the paperwork and they don't
16 have it and you serve a written notice, seven-day
17 notice, that they're subject to a 30 day
18 suspension.

19 I would ask you to impose a 30 day
20 suspension and we -- and we can delay it if they
21 want to go down to Trenton -- for a week.
22 Because we were talking about a letter going. So
23 now we don't have to do that. We can do it to
24 the 24th.

25 And that's my application.

1 MAYOR STACK: And right now you're looking
2 for a 30 day suspension?

3 MR. FARMER: That's correct.

4 MAYOR STACK: Okay, a 30 day suspension.

5 And her license -- you said that her
6 license was only -- it was only extended until
7 the -- I believe the 18th was mentioned.

8 Right?

9 SERGEANT DUNLAY: December 18th is when
10 they have the ad interim permit effective till
11 midnight.

12 MR. FARMER: Can you get a second
13 ad interim?

14 Is that the first -- the one you got, was
15 that the first one you got?

16 THE INTERPRETER: No. Last time also I had
17 to renew it once before because --

18 MAYOR STACK: She's had --

19 Am I understanding --

20 THE INTERPRETER: Because the license was
21 not issued to me, sir.

22 MAYOR STACK: Am I understanding this
23 correctly?

24 How many ad interims have they have given
25 her?

1 THE INTERPRETER: I had to renew the
2 permit.

3 MR. FARMER: At least one. And I'm hearing
4 -- I suspect two.

5 MAYOR STACK: That's what I'm hearing, two.

6 MR. FARMER: Yeah.

7 MAYOR STACK: And how long are they good
8 for each time?

9 MR. FARMER: They're about three weeks.

10 MAYOR STACK: Three weeks.

11 MR. FARMER: Yeah.

12 THE INTERPRETER: Yes.

13 MR. FARMER: Yes what?

14 THE INTERPRETER: Yes, three weeks.

15 MR. FARMER: Okay. Three weeks.

16 So if it -- if I can make a suggestion.

17 MAYOR STACK: Sure.

18 MR. FARMER: My suggestion is to pass a
19 resolution for a 30 day suspension. All right?

20 At the same token she can go down to
21 Trenton and see if she is eligible for an
22 ad interim.

23 She either is or she isn't. Okay?

24 If she isn't, then she can petition to take
25 an appeal of the 30 days or whatever. Okay?

1 So if it expires on the 18th, Mrs. -- she
2 can't stay open.

3 MAYOR STACK: Does she understand the
4 seriousness of what's happening?

5 And she should --

6 THE INTERPRETER: Yes.

7 MAYOR STACK: She should seek legal
8 counsel.

9 Okay. I'm going to go with --

10 THE INTERPRETER: Okay, --

11 MAYOR STACK: -- Mr. Farmer's --

12 THE INTERPRETER: -- very well.

13 MAYOR STACK: I'm going to go with Mr.
14 Farmer's recommendation, a 30 day suspension.

15 ACTING CITY CLERK: Is there a motion?

16 MAYOR STACK: Motion.

17 ACTING CITY CLERK: Motion by Mayor Stack.

18 COMMISSIONER FERNANDEZ: Second.

19 MAYOR STACK: And she needs to clean this
20 up.

21 THE INTERPRETER: I'm really trying to
22 sell --

23 MAYOR STACK: She --

24 THE INTERPRETER: I'm trying to sell my
25 license. That's really what I'm trying to do

1 right now. Or have been trying and still.

2 MAYOR STACK: She needs to clear up this
3 matter. It's been going on too long.

4 THE INTERPRETER: And I still owe November
5 and December, --

6 MAYOR STACK: I'm sorry?

7 THE INTERPRETER: -- which --

8 I still owe November and December, which
9 I've been not able to pay.

10 MS. VILLON: I'm going to just ask her if
11 she means rent.

12 MAYOR STACK: November and December what?

13 THE INTERPRETER: Rent.

14 MAYOR STACK: Rent?

15 THE INTERPRETER: November and December I'm
16 behind.

17 MAYOR STACK: All right.

18 MR. FARMER: Okay.

19 MAYOR STACK: I'll reintroduce the motion.
20 Motion for a 30 day suspension following
21 Mr. Farmer's recommendation.

22 COMMISSIONER MARTINETTI: Second.

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

25 Second by Commissioner Martinetti.

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 * * *

14

15 **ADJOURNMENT:**

16

17 ACTING CITY CLERK: Mayor, there are no
18 other items on the agenda.

19 Is there a motion to adjourn?

20 COMMISSIONER MARTINETTI: Motion.

21 MAYOR STACK: Yes.

22 Happy Holidays to everyone.

23 Motion.

24 ACTING CITY CLERK: Motion by Commissioner
25 Martinetti.

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: Second by Mayor Stack.

3 All in favor?

4

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

6

7 ACTING CITY CLERK: Happy Holidays.

8

9 (Whereupon, the proceedings were concluded
10 at 8:03 p.m.)

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Brian P. Stack

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Lucio P. Fernandez

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Maryury A. Martinetti

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Celin J. Valdivia

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Tilo E. Rivas

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Board of Commissioners

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Attest:

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Dominick Cantatore,

13

Acting City Clerk

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Tuesday, December 16, 2014, and digitally
10 recorded.

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25 Monitored by and Proofread by: Deborah Dillon