

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

Tuesday, April 21, 2015
Commencing at 7:00 p.m.

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

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

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1 ACTING CITY CLERK: This is a Regular
2 Public Meeting of the Union City Board of
3 Commissioner, being held on Tuesday, April 21st,
4 2015, at seven p.m., at the William V. Musto
5 Cultural Center, 420 15th Street, Union City, New
6 Jersey.

7 Everyone please rise for the Pledge of
8 Allegiance.

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

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

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

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Here.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Here.

10 ACTING CITY CLERK: Commissioner

11 Martinetti?

12 COMMISSIONER MARTINETTI: Here.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Here.

15

16 **ORDINANCES FOR HEARING AND ADOPTION**

17 **CONSIDERATION:**

18

19 (1.) AN ORDINANCE AMENDING CHAPTER 223 "LAND
20 DEVELOPMENT" OF THE CODE OF THE CITY OF UNION
21 CITY

22

23 ACTING CITY CLERK: First item is Ordinance
24 for Hearing/Adoption Consideration.

25 This Ordinance will be tabled for next

1 meeting of May 5th, 2015.

2

3 **CONSENT AGENDA:**

4

5 (1) Resolution Approving the Payment of Claims

6 (2) Resolution Approving the Payment of

7 Concurring Claims

8 (3) Resolution Approving the City Payroll for

9 the Period of April 8, 2015 through April 21,

10 2015

11 (4) Resolution Approving the Library Payroll

12 for the Period of April 8, 2015 through April 21,

13 2015

14 (5) Resolution Approving Disciplinary

15 Proceedings Against Therapy Lounge t/a RG

16 Enterprise Entertainment Inc., 2803 Bergenline

17 Avenue, Liquor License No. 0910-33-134-006

18 (6) Resolution Accepting Homeland Security

19 Emergency Management Performance Grant

20 (7) Resolution Rejecting Bid for Maintenance of

21 Irrigation System for Washington Park

22 (8) Resolution Approving Contract for

23 Resurfacing of the Basketball Courts

24 (9) Resolution Approving 2015 Contract for

25 City-Wide Tree Planting

- 1 (10) Resolution Approving Contract for Emergency
2 Phone Tower and Call Box Station Installations
- 3 (11) Resolution Approving Contract for the
4 Purchase of Wire Mesh Receptacles
- 5 (12) Resolution Approving Change Order No. 1 for
6 222-224 - 45th Street Improvements
- 7 (13) Resolution Approving Contract for Financial
8 Services Consultant
- 9 (14) Resolution Appointing Member Elise DiNardo
10 to the Union City Housing Authority
- 11 (15) Resolution Awarding Raffle License to Sts
12 Joseph & Michael Church, 1314 Central Ave
- 13 (16) Resolution Authorizing Clerk to Advertise
14 for Bids for 2015 Four Wheel Drive Police Service
15 Vehicles
- 16 (17) Resolution Authorizing Clerk to Advertise
17 for Bids for Painting of Two (2) School Buses
- 18 (18) Resolution of the Board of Commissioners
19 Granting the Person to Person and Place to Place
20 Transfer of Liquor License No. 0910-33-163-008
- 21 (19) Resolution of the Board of Commissioners
22 Approving the 2013-2014 and 2014-2015 Renewal of
23 Liquor License No. 0910-33-163-008
- 24 (20) Resolution Authorizing Refund of Redemption
25 Monies to Outside Lienholders

1 (21) Resolution Authorizing the Refund of
2 Premium Monies Collected at the Tax Sale

3 (22) Resolution Authorizing the Refund of Real
4 Estate Taxes Payment on Block 187, Lot 2

5 (23) Resolution Authorizing the Tax Collector to
6 Hold an Accelerated Tax Sale

7 (24) Resolution Cancelling First and Second
8 Quarter Taxes on Block 101, Lot 15

9 (25) Any other matter of City business that may
10 arise

11

12 ACTING CITY CLERK: Next item is Consent
13 Agenda.

14 First item is Resolution Approving the
15 Payment of Claims.

16 Second item.

17 Resolution Approving the Payment of
18 Concurring Claims.

19 Item 3.

20 Resolution Approving the City Payroll for
21 the Period of April 8, 2015 through April 21st,
22 2015.

23 Item 4.

24 Resolution Approving the Library Payroll
25 for the Period of April 8, 2015 through April

1 21st, 2015.

2 Item fifth.

3 Resolution Approving Disciplinary

4 Proceeding Against Therapy Lounge, also known as

5 RG Enterprise Entertainment Inc., 2803 Bergenline

6 Avenue, Liquor License Number 0910-33-134-006.

7 Item 6.

8 Resolution Accepting Homeland Security

9 Emergency Management Performance Grant.

10 Item 7.

11 Resolution Rejecting Bid for Maintenance of

12 Irrigation System for Washington Park.

13 Item 8.

14 Resolution Approving Contract for

15 Resurfacing of the Basketball Courts.

16 Item 9.

17 Resolution Approving 2015 Contract for

18 City-Wide Tree Planting.

19 Item 10.

20 Resolution Approving Contract for Emergency

21 Phone Towers and Call Box Station Installations.

22 Item 11.

23 Resolution Approving Contract for the

24 Purchase of Wire Mesh Receptacles.

25 Item 12.

1 Resolution Approving Change Order Number 1
2 for 222-224 45th -- 45th Street Improvements.

3 Item 13.

4 Resolution Approving Contract for Financial
5 Services Consultant.

6 Item 14.

7 Resolution Appointing Member Elise DiNardo
8 to Union City Housing Authority.

9 Item 15.

10 Resolution Awarding Raffle License to Saint
11 Joseph/Saint Michael Church, 1314 Central Avenue.

12 Item 16.

13 Resolution Authorize Clerk to Advertise for
14 Bids for 2015 Four Wheel Drive Police Service
15 Vehicle.

16 Item 17.

17 Resolution Authorizing Clerk to Advertise
18 for Bids for Painting of the Two School Buses.

19 Item 18.

20 Resolution of the Board of Commission
21 Granting the Person to Person and Place to Place
22 Transfer of Liquor License Number 0910-33-163-
23 008.

24 Item 19.

25 Resolution of the Board of Commissioner

1 Approving the 2013-2014 and 2014-2015 Renewal of
2 Liquor License Number 0910-33-163-008.

3 Item 20.

4 Resolution Authorizing Refund of Redemption
5 Money to Outside Lienholders.

6 Item 21.

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

9 Item 22.

10 Resolution Authorizing the Refund of Real
11 Estate Taxes Payment on Block 187, Lot 2.

12 Item 23.

13 Resolution Authorizing the Tax Collector to
14 Hold an Accelerated Tax Sale.

15 Item 24.

16 Resolution Cancelling First and Second
17 Quarter Taxes on Block 101, Lot 15.

18 Mayor, there are no other items on the
19 Consent Agenda. Would you wish to take public
20 comment on any items on the Consent Agenda?

21 MAYOR STACK: Sure.

22 Just before we do, I would just like to
23 thank the Commissioners for considering the
24 resurfacing of the basketball courts on 24th and
25 West. We did a lot of work there over the years

1 and we're just maintaining that work.

2 Like I always say, it's important to
3 renovate our parks but to maintain them is even
4 more important. That's maintaining our
5 commitment to the young people in our community.

6 The City-Wide Tree Planting Program, again
7 this year in Union City we'll probably plant
8 between 750 and a thousand trees, which we're
9 very proud of.

10 Approving the contract for emergency phone
11 tower and callbox stations in the parks is
12 critical for public safety.

13 The contract also for the purchase of wire
14 mesh receptacles to keep our community clean as
15 we've been doing.

16 And also thanking the Board of Education
17 for working with the City on the two school
18 buses, repainting them -- they have to be
19 repainted by law from yellow to another color. I
20 believe they're going to be painted white and
21 blue for our recreation program.

22 So keeping those buses still in use for our
23 ever-expanding recreation program, which
24 Commissioner Valdivia has done an outstanding job
25 and -- and maintaining the program and even

1 expanding it further.

2 I'd like to thank each of the Commissioners
3 for their work here. Not only on this agenda but
4 in the specific areas in which they work.

5 Commissioner Rivas with Public Works.

6 Commissioner Martinetti with our Finances.

7 I mentioned Commissioner Valdivia.

8 And Commissioner Fernandez with all our
9 events and our public buildings and also all the
10 different activities he's planning for the spring
11 and summer of this year.

12 Thank you for all your work everyone.

13 COMMISSIONER FERNANDEZ: Thank you, Mayor.

14 COMMISSIONER RIVAS: Thank you, Mayor.

15 MAYOR STACK: Anyone at this time that
16 would like to comment on the Consent Agenda,
17 please step forward, state your name and address
18 for the record.

19 Seeing none.

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

22 COMMISSIONER RIVAS: Motion.

23 ACTING CITY CLERK: Motion by --

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: -- Commissioner Rivas.

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 approve all items on the Consent Agenda?

16 COMMISSIONER VALDIVIA: Motion.

17 ACTING CITY CLERK: Motion by Commissioner

18 Valdivia.

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: I recuse on number 7;
2 and aye on the rest.

3 ACTING CITY CLERK: Commissioner --
4 Commissioner Rivas recuse on number 7; aye on the
5 rest.

6 Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 ACTING CITY CLERK: Commissioner
9 Martinetti?

10 COMMISSIONER MARTINETTI: I'm recusing from
11 number 18 and number 19; aye on the rest.

12 ACTING CITY CLERK: Recusing from number 18
13 and number 19; aye on the rest.

14 Mayor Stack?

15 MAYOR STACK: Yes.

16

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

18

19 () ORDINANCE REQUIRING PSE&G TO NOTIFY THE
20 UNION CITY POLICE DEPARTMENT WHEN IT RESPONDS TO
21 A GAS LEAK

22

23 ACTING CITY CLERK: The next item is an
24 Ordinance for Introduction.

25 This Ordinance will be further considered

1 at a meeting of the Board of Commission to be
2 held on May 5th --

3 I make a correction at this time.

4 May 5th, 2015, at the Jefferson Elementary,
5 3400 Palisade Avenue.

6 -- is Ordinance requiring PSE&G to notify
7 the Union City Police Department when it's
8 responding to gas leak.

9 MAYOR STACK: This is two prong why I --
10 why I believe this is important.

11 We saw what happened in New York with a gas
12 leak where a number of buildings went down in a
13 gas leak; fatalities.

14 The second thing was I was coming up 12th
15 Street a couple weeks ago and PSE&G started to
16 dig on a new street that we just had paved under
17 the disguise again that it's a gas leak.

18 Some of these fixtures in our City, the
19 piping's and the gas lines, are just not
20 maintained for many, many years. Whether it's
21 50, 60, 70 years. And we notify them way in
22 advance of doing -- way in advance of doing a
23 street. They would just ensure that even when a
24 person calls on their home phone and says,
25 listen, I may have a gas leak in my apartment and

1 they call Public Service directly, Public Service
2 has the obligation to notify the police
3 department that there's a gas leak.

4 We feel we'll get there much faster than
5 PSE&G will get there. Usually they say within an
6 hour they'll be out on a gas leak; we can be
7 there in a matter of two or three minutes on the
8 scene evacuating the building if its necessary.

9 So we felt, in a case where you may have a
10 gas leak in the building, somebody calls in and
11 says I smell gas in our apartment, Public Service
12 then notifies Union City Police and says, listen,
13 we just got a call from 609 New York Avenue, --
14 where I live -- apartment 1R has a gas leak, and
15 Union City Police responds, makes sure that the
16 situation's safe, make sure the person's venting
17 the apartment until PSE&G is out there.

18 I think it's just keeping us in tune to
19 what's going on and we have no surprises with
20 this Ordinance.

21 ACTING CITY CLERK: Is there a motion to
22 introduce?

23 MAYOR STACK: Motion.

24 ACTING CITY CLERK: Motion by Mayor Stack.

25 COMMISSIONER FERNANDEZ: Second.

1 ACTING CITY CLERK: Second by Commissioner
2 Fernandez.
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 MR. PRICE: Could I ask a question about
16 this?
17 It's going to be considered --
18 MS. DILLON: You've got to come forward,
19 Mr. Price.
20 MR. PRICE: Oh, I'm sorry.
21 MS. DILLON: Name for the record.
22 MR. PRICE: Yeah, Larry Price, --
23 MAYOR STACK: Your question is on the date,
24 right?
25 MR. PRICE: Date and place.

1 MAYOR STACK: Yeah.

2 MR. PRICE: The 5th is supposed to be
3 Jefferson --

4 MAYOR STACK: The reason -- the reason
5 Larry is asking that is because on here it says
6 here that it will be on May 12th at William V.
7 Musto Center.

8 ACTING CITY CLERK: Right. There just --
9 there's just an error, Mayor.

10 We originally switched this May 5th to May
11 12; but then we -- we went back and put in May 5th
12 again with the same --

13 We're not changing May 5th the way it was
14 scheduled.

15 So, we're leaving -- we're leaving May 5th
16 the --

17 MR. PRICE: May 5th at the Jefferson
18 School?

19 MAYOR STACK: Right.

20 ACTING CITY CLERK: As scheduled.

21 MAYOR STACK: Right.

22 MR. PRICE: Well that's at the Jefferson
23 School.

24 ACTING CITY CLERK: Yes, that's what I
25 said; Jefferson Elementary School.

1 MR. PRICE: Oh, okay.

2 ACTING CITY CLERK: I say that, yes.

3 MR. PRICE: Okay.

4 Thank you.

5 MAYOR STACK: There'll be -- there'll be
6 another Commission Meeting that week. We're
7 doing something for Police Week.

8 Larry, and just for everybody's
9 edification, we're doing something for Police
10 Week but we're going to have a Commission Meeting
11 on Police Week also.

12 And the date of that Commission Meeting
13 will be?

14 ACTING CITY CLERK: Will be on May 13.

15 MAYOR STACK: May 13th.

16 ACTING CITY CLERK: That will be --

17 MAYOR STACK: And it will be here at this
18 building.

19 ACTING CITY CLERK: At the Musto --

20 MAYOR STACK: We're going to be doing
21 something for Police Week right in this building.
22 We'll have a display outside also of police
23 vehicles and different -- there'll be police
24 officers here to just talk about Police Week and
25 the importance of Police Week.

1 We're also looking at naming a number of
2 blocks along 15th Street for five officers that
3 died in the line of duty.

4 So, we'll get into that further once we're
5 into the month of May.

6

7 **REGULAR AGENDA:**

8

9 1. Resolution Approving the Redevelopment
10 Agency Payroll for the Period of April 8, 2015
11 through April 21, 2015

12

13 ACTING CITY CLERK: Okay. Next is Regular
14 Agenda.

15 The first item is Resolution Approving the
16 Redevelopment Agency Payroll for the Period of
17 April 8, 2015 to --

18 MAYOR STACK: I'll move it.

19 ACTING CITY CLERK: -- April 24, 2015.

20 MAYOR STACK: I'll move it.

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

23 COMMISSIONER MARTINETTI: Second.

24 ACTING CITY CLERK: Second by Commissioner
25 Martinetti.

1 Roll call.

2 Commissioner Fernandez; recusing.

3 COMMISSIONER RIVAS: Yes.

4 ACTING CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 ACTING CITY CLERK: Yes.

7 Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 ACTING CITY CLERK: Commissioner

10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14

15 **REGULAR AGENDA:**

16

17 2. Resolution Approving Payment of Claims to
18 the Union City Board of Education

19

20 ACTING CITY CLERK: Next item is Resolution
21 Approving of Payment of Claim to Union City Board
22 of Education.

23 MAYOR STACK: I'll move it.

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

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Rivas.

4 Roll call.

5 Commissioner Fernandez; recusing.

6 Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 ACTING CITY CLERK: Commissioner
11 Martinetti?

12 COMMISSIONER MARTINETTI: Recusing?

13 MS. de los RIOS: Recusing.

14 COMMISSIONER MARTINETTI: Recusing.

15 ACTING CITY CLERK: Recusing?

16 Mayor Stack?

17 MAYOR STACK: Yes.

18

19 **REGULAR AGENDA:**

20

21 3. Resolution Approving Payment to the Hudson
22 Regional Health Commission

23

24 ACTING CITY CLERK: Next item, item 3.

25 Resolution Approving Payment to the Hudson

1 Regional Health Commission.

2 MAYOR STACK: I'll move it.

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

5 COMMISSIONER RIVAS: Second.

6 COMMISSIONER VALDIVIA: Second.

7 ACTING CITY CLERK: Second by Commissioner
8 Rivas.

9 Roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 ACTING CITY CLERK: Commissioner Rivas?

13 COMMISSIONER RIVAS: Yes.

14 ACTING CITY CLERK: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 ACTING CITY CLERK: Commissioner
17 Martinetti?

18 COMMISSIONER MARTINETTI: Yes.

19 ACTING CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21

22 **REGULAR AGENDA:**

23

24 4. Resolution Approving Payment to the Hudson
25 County Improvement Authority

1

2

ACTING CITY CLERK: Item 4.

3

4

Resolution Approving Payment to the Hudson
County Improvement Authority.

5

MAYOR STACK: I'll move it.

6

7

ACTING CITY CLERK: Motion made by Mayor
Stack.

8

COMMISSIONER VALDIVIA: Second.

9

10

ACTING CITY CLERK: Second by Commissioner
Valdivia.

11

Roll call.

12

Commissioner Fernandez?

13

COMMISSIONER FERNANDEZ: Yes.

14

15

ACTING CITY CLERK: Commissioner Rivas;
recusing.

16

Commissioner Valdivia?

17

COMMISSIONER VALDIVIA: Yes.

18

19

ACTING CITY CLERK: Commissioner
Martinetti?

20

COMMISSIONER MARTINETTI: Recusing.

21

ACTING CITY CLERK: Recusing.

22

Mayor Stack?

23

MAYOR STACK: Yes.

24

25

REGULAR AGENDA:

1

2 5. Resolution Authorizing the Subordination of
3 the Right of Reverter Granted to the City of
4 Union City Pursuant to N.J.S.A. 40A:12-21(1) in
5 Connection with the Property Known as 1901 West
6 Street in the City of Union City

7

8 ACTING CITY CLERK: Item fifth.

9

10 Resolution Authorizing the Subordination of
11 the Right to Revert -- of Reverter Granted to the
12 City of the Union City Pursuant to N.J.S.A.
13 40A:12-21(1) in Connection with the Property
14 Known as 1901 West Street in the City of Union
15 City.

16

17 MAYOR STACK: I'll move it.

18

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

21

22 COMMISSIONER VALDIVIA: Second.

23

24 ACTING CITY CLERK: Second by Commissioner
25 Valdivia.

26

27 Roll call.

28

29 Commissioner Fernandez?

30

31 COMMISSIONER FERNANDEZ: Yes.

32

33 ACTING CITY CLERK: Commissioner Rivas?

34

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

10

11 ACTING CITY CLERK: We have continuation of
12 hearing for 3501-3511 --

13 MAYOR STACK: Right. Let me -- let me take
14 Public Comment at this time and then we'll go to
15 the hearing.

16 ACTING CITY CLERK: Okay, Mayor.

17 MAYOR STACK: Anyone wishing to comment on
18 any matter concerning municipal government in the
19 City of Union City at this time?

20 Seeing none.

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

23 COMMISSIONER VALDIVIA: Motion.

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

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: Second by Commissioner
3 Rivas.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Rivas?

8 COMMISSIONER RIVAS: Yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16

17 **PUBLIC HEARING CONTINUATION:**

18

19 1. 3501-3511 Palisade Avenue (Area in Need of
20 Redevelopment)

21

22 ACTING CITY CLERK: Next item is a Public
23 Hearing continuation for 3501-3511 Palisade
24 Avenue.

25 MAYOR STACK: This is a Public Hearing on

1 3501-3511 Palisade Avenue. It's just in
2 reference to a study or an area in need of
3 redevelopment.

4 There's no project being proposed
5 immediately at this time. It's just a study on
6 that property located again at 3501-3511 Palisade
7 Avenue.

8 Did we leave it last time that we were
9 leaving still open for public comment --

10 MS. de los RIOS: Yes, Mayor.

11 MAYOR STACK: -- and then we would take a
12 vote at that time?

13 I also committed at that time, if the study
14 is approved this evening, any project that comes
15 forward the meetings will either be held in City
16 Hall or even closer at Jefferson School that's
17 located right in that neighborhood for the
18 public's benefit. That it will be very close to
19 where the project is located. Whether it's at
20 City Hall or even Jefferson School that's located
21 very much nearby.

22 Anyone who has a comment at this time?

23 Would you like to make a statement first,
24 Gary?

25 And then we'll go to you, Larry, if you

1 have a question?

2 REVEREND KUGLER: Yes.

3 MAYOR STACK: Sure.

4 Gary, if you could just step forward.

5 Reverend, right --

6 REVEREND KUGLER: Sure.

7 MAYOR STACK: -- right to this -- right to
8 this little black box right here.

9 REVEREND KUGLER: Thank you.

10 Gary Kugler, Reverend of Saint John
11 Lutheran Church.

12 MS. DILLON: Reverend, can I just ask you
13 to --

14 REVEREND KUGLER: There you go.

15 MS. DILLON: You have to address --

16 MAYOR STACK: Would you like a chair, Gary?
17 Would you like to --

18 REVEREND KUGLER: No, no, --

19 MAYOR STACK: -- sit down?

20 REVEREND KUGLER: -- I'm okay.

21 MAYOR STACK: You sure?

22 Okay.

23 REVEREND KUGLER: Either stand a lot or I
24 sit a lot.

25 MAYOR STACK: Okay.

1 REVEREND KUGLER: Thank you.

2 This is property that belongs to Saint John
3 Lutheran Church. Our property goes the whole
4 block and half of the block on 36th Street.
5 Church is on the corner. The rectory is next to
6 it and then there's a parking lot, a hundred by a
7 hundred.

8 And on 36th Street, in the 400 block,
9 between Bergenline and New York Avenue, there's
10 an ARC Center, a daycare center for folks -- I
11 mean A-R-C. They don't like -- they haven't
12 changed the A-R-C but it used to be the
13 Association for Retarded Citizens. And there's
14 no housing for folks like this at all in the
15 northern part of New Jersey.

16 So, for example, -- and they have some --
17 if there's an ARC person who's living with their
18 parents who are elderly and they all speak
19 Spanish, and the parents die, that person for
20 housing would have to go all the way down to
21 South Jersey.

22 So the ARC people, together with Catholic
23 Charities, --

24 And this is an issue close to our
25 congregation because one of our close members has

1 -- has a brother who passed away at age 74 and he
2 was an ARC resident out in Bergen County.

3 So our congregation has an interest in
4 using some of our property, like half of the
5 parking lot, -- it would be nuts for us to give
6 up all of the parking lot in the City for some
7 kind of public service project or housing.

8 So, -- so, what we were thinking of is
9 housing for ARC people. It would be half of the
10 parking lot, so it would be like 50 by a hundred.
11 We would tear down the rectory because we have
12 another building on -- behind the church on 36th
13 Street.

14 Some teachers from Jefferson School park in
15 our parking lot. Now that most of those live out
16 of town, that's only seven people. So we're not
17 talking about a lot of cars in our parking lot
18 that will then have to go out on the street --
19 because we have two different church groups who
20 use -- use the parking lot at night, six nights a
21 week. And our own parking.

22 So there are some residents from the City
23 who -- who have 24 hour space there. It's all on
24 a freewill donation basis and -- so some of those
25 folks might have to go back out parking on the

1 street. But we're not talking about 20 cars
2 taking up a street property.

3 So we would hope the public would be
4 willing to, first of all, serve the ARC
5 population -- and there might be some affordable
6 housing attached with this, too. Because the
7 State mandates that so that a specific handicap
8 population isn't just isolated, even with
9 housing, so it would be a mixture -- not low
10 income housing but some affordable housing there,
11 too.

12 The highest the building would be would be
13 four -- four stories and half of -- half of the
14 parking lot, 25 feet where the parsonage was.

15 Thank you.

16 COMMISSIONER MARTINETTI: Thank you,
17 Reverend.

18 MAYOR STACK: Thank you.

19 You could just step to the same spot.

20 MR. PRICE: I already made --

21 Oh, Larry Price, 1006 Palisade. I've
22 already made comments before about --

23 Just one additional comment here. The
24 parking lot, the reason -- the stated reason for
25 saying this is in need of redevelopment is reason

1 (e), which requires a special proof that,
2 basically, it involves Supreme Court decisions,
3 there has to be a proof that -- they have to meet
4 a blight requirement. And that basically means
5 there has to be proof that not only is there
6 deterioration within the property but that the
7 deterioration is affecting surrounding
8 properties.

9 Now, this came before the Planning Board
10 and I gave testimony there that there are
11 something like seven properties within roughly a
12 one block area of this site where there has been
13 new construction within the last ten years.

14 There's a new condo on 37th Street.
15 There's a new condo on 36th Street. There's a new
16 condo on 35th Street. And some of the
17 construction -- one of the seven items was the --
18 there's an apartment house, which is -- I guess
19 you'd say catty-corner across the street at the
20 corner of 36th and Palisade. It's an old
21 apartment building but there have been two
22 applications come before the Zoning Board in the
23 last two years to put antennas on the roof. It's
24 -- it's a major electronic center now is what --
25 what it's come down to.

1 So the fact is that that area -- and we're
2 talking a close area, really within a one block
3 area, is you know been a hotbed of construction
4 and development in the last year. Absolutely --
5 and there's no deterioration emanating outward
6 from the -- whatever.

7 So they don't qualify for that reason. So,
8 it's really not an area in need of redevelopment.
9 It just isn't there.

10 Thank you.

11 MAYOR STACK: Thank you.

12 Pastor, would you like to -- to comment on
13 anything that -- that Mr. Price has just stated?

14 He felt it was not an -- an area in need of
15 redevelopment. He felt that you don't meet the
16 criteria.

17 Would you like -- would you like to
18 comment?

19 Or I don't know if your attorney is
20 present?

21 If --

22 And if you could, if you could just step --
23 if you could just step forward just for the
24 record, --

25 REVEREND KUGLER: Oh, --

1 MAYOR STACK: -- just so it's able to
2 record the --

3 REVEREND KUGLER: Right.

4 He said there isn't specific need for
5 redevelopment, --

6 MS. DILLON: Just -- just --

7 REVEREND KUGLER: -- but --

8 MAYOR STACK: If you could just step --

9 REVEREND KUGLER: I'm sorry.

10 MS. DILLON: -- you have to come forward,
11 Pastor, I'm sorry.

12 MAYOR STACK: -- just a little bit closer.

13 REVEREND KUGLER: The issue is to provide a
14 needed public service to a needy population in
15 our area that has no housing; the ARC people -- I
16 don't want to repeat all of that.

17 So it's not just that we would have tear
18 down the parsonage because it's old; this would
19 be doing something new and creative because we
20 have airspace and a parking lot in a city that's
21 the most densely populated city in the country.

22 So to -- to go up is the responsible thing
23 to do, rather than to waste airspace, to serve
24 the public if you feel so inclined.

25 MAYOR STACK: Thank you.

1 REVEREND KUGLER: Thank you.

2 MAYOR STACK: It's just -- does anyone else
3 have any further comment on this matter?

4 Just before we -- we take a vote -- the
5 Board of Commissioners, I feel that the area
6 could be greatly enhanced with some affordable
7 housing on that site. I feel the benefit to
8 residents who have attended the ARC and residents
9 who the Pastor, Gary Kugler, has just mentioned,
10 people that really need housing that may not have
11 family, that may be on their own, that may be
12 disabled, I think really trumps all of the
13 factors here.

14 I think the property does need
15 rehabilitation. I think the parking lot for a
16 number of years has been a great service and it's
17 nice that -- that the fine Pastor has donated
18 that to our teachers and to people in the area to
19 park in there.

20 I know we have a lot on the other corner by
21 Verizon; maybe we can work out some agreement
22 with Verizon to provide some parking to the
23 teachers maybe whether they pay for it or for
24 residents in the area. We're always looking for
25 creative ways to create more parking.

1 But I think more than anything, having
2 known Gary Kugler for as many years as I have,
3 I've been involved for many, many years in Union
4 City, for over 30 years I've known him. He was
5 the first one to open up the doors of the church
6 to a shelter years ago when it wasn't very
7 popular when he first did it.

8 And I remember as a young kid walking to
9 City Hall every day after school; I always looked
10 at that and admired that because I always say
11 we're all one paycheck away from being homeless
12 ourself.

13 But when you have a great project and you
14 think that the project may benefit -- he
15 mentioned affordable housing.

16 It would be different if he wanted to put
17 up an apartment building on that site or a
18 condominium and reap great profits off it; we're
19 talking about helping people that need the most
20 help. Those that may be disabled, those that are
21 need in affordable housing. We know how long
22 that list is in Union City.

23 If I had to guess the list is probably
24 about 10,000 people long. We represent one of
25 the poorest communities in Hudson County. And I

1 | see people all the time, disabled, that -- I mean
2 | Commissioner Valdivia and myself know somebody
3 | who lives on 28th Street right now that can't get
4 | affordable housing. The gentleman's in a
5 | wheelchair. And we just never know what turn
6 | life takes us.

7 | And I've never met probably a more decent,
8 | more noble, honest, hardworking and for the
9 | community human being as I've met in Gary Kugler.
10 | And I mean that sincerely. Sincerely.

11 | He's always out looking for other peoples'
12 | benefit and not for his own.

13 | Looking at the property, seeing the
14 | property and seeing the great benefits it has,
15 | I'm going to support this to be an area in need
16 | of redevelopment.

17 | I'll make a motion to approve it.

18 | COMMISSIONER VALDIVIA: I'll second.

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

21 | Second by Commissioner Valdivia.

22 | Roll call.

23 | Commissioner Fernandez?

24 | COMMISSIONER FERNANDEZ: Yes.

25 | ACTING CITY CLERK: Commissioner Rivas?

1 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 I would just ask that if the Corporation
10 Counsel can relay that any project that does come
11 forward that the meetings be held in the
12 immediate neighborhood.

13 MS. de los RIOS: Um-hum.

14 MAYOR STACK: And that everyone -- even
15 outside the 200 foot radius, if we could just
16 notify the neighborhood, everybody with -- maybe
17 from 34th to 37th Street, from Park Avenue, all
18 the way over to Bergenline Avenue, be notified
19 about when they're -- so people know exactly
20 what's going there.

21 Okay?

22 But I think it's a great project. I think
23 it's well needed in the City of Union City. And
24 another good job on behalf of the community,
25 Gary.

1 Thank you.

2 REVEREND KUGLER: Thank you.

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1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

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

5 2. El Papaturro t/a El Papaturro Lounge, 1018
6 Summit Avenue, Liquor License No. 0910-33-137-005

7 3. Bambinas Bar & Restaurant t/a Milagro
8 Ecuatoriano Restaurant, 2906 Bergenline Ave,
9 Liquor License No. 0910-33-040-009

10

11 ACTING CITY CLERK: Mr. Farmer?

12 MR. FARMER: Yes.

13 Good evening, Mayor and --

14 MAYOR STACK: The portion of the hearing
15 that we're going to right now is liquor license
16 hearings.

17 MR. FARMER: Good evening, Mr. Mayor and
18 Commissioners.

19 You have three matters on with respect to
20 Liquor License Disciplinary Proceedings.

21 * * *

22

23 **R.G. MIRANDA CORP. t/a EL CUCO, 516 Kennedy**

24 **Boulevard**

25 **Liquor License No. 0910-33-141-005**

1

2 MR. FARMER: First one is El Cuco. I'd ask
3 that that be carried because we just received new
4 charges on it, so I want to incorporate that into
5 the next hearing.

6

 MAYOR STACK: That's adjourned till the
7 next one?

8

 MR. FARMER: Right.

9

 MAYOR STACK: Okay.

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1 **EL PAPATURRO t/a EL PAPATURRO LOUNGE, 1018 Summit**
2 **Avenue**
3 **Liquor License No. 0910-33-137-005**
4

5 MR. FARMER: The next one is El Papaturro.
6 And Jeff Faro, who is the attorney for the
7 licensee is here, along with the licensee.

8 Now --

9 Why don't you put your name --

10 MR. FARO: Yeah, for the record, Jeffrey M.
11 Faro, Faro and Portanova, appearing for the
12 licensee.

13 MR. FARMER: Mr. Faro and I have discussed
14 this matter and I've also discussed it with
15 Sergeant Dunlay and Lieutenant Loaces.

16 The incident in question -- first of all,
17 El Papaturro really hasn't had any kind of event
18 as far as violence or anything for over two
19 years.

20 The incident in question, although captured
21 on video, is very poor video. It's the
22 licensee's video.

23 Detective Dunlay has looked at the video
24 and it's very hard to distinguish exactly what
25 happened. But whatever happened was a flash

1 incident and the people were out of the bar
2 instantaneously.

3 The solution that I have discussed with
4 counsel is this. We have in the past had
5 situations where we have put special conditions
6 on the license where the police will go in and
7 monitor and orchestrate the placement of cameras
8 so that the entire licensed premises can be
9 viewed so that we can get a clear indication when
10 an incident occurs as to what the incident was.

11 They have agreed to do that and make that a
12 condition of the license and that's in agreement
13 with Sergeant Dunlay and Lieutenant Loaces. And
14 in exchange for that, I would recommend that we
15 dismiss the charge of a fight in the bar. Nobody
16 was hurt. Like I said the people were disbursed
17 in seconds. And it's very hard in looking at the
18 video to determine exactly what happened.

19 MR. FARO: I concur, Mr. Mayor and
20 Commissioners.

21 MAYOR STACK: I'll make a motion.

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 MR. FARMER: And just for the record, the
14 special condition will apply with respect to the
15 renewal; it's just not going to apply for the
16 next month or two.

17 MAYOR STACK: Right.

18 MR. FARO: That -- that's correct.

19 MR. FARMER: Okay.

20 MAYOR STACK: Thank you very much.

21 Thank you.

22 MR. FARMER: Thank you.

23 MR. FARO: Thank you, Mr. Mayor.

24 * * *

25

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

5 MR. FARMER: The last one is Bambinas Bar
6 and Restaurant. And we have this evening the
7 licensee who is Miss Majorca.

8 MS. DILLON: Come forward please.

9 MR. FARMER: Right there.

10 MS. DILLON: State your name and spell it
11 for me.

12 MS. MAJORCA: Name is Vilma Majorca.

13 MS. DILLON: Spell your last name?

14 MS. MAJORCA: V-I-L-M-A.

15 MR. FARMER: That's the first name.

16 MS. MAJORCA: M-A-O-R-G-A (sic).

17 MAYOR STACK: Ms. Majorca, do you need a
18 translator?

19 You want me to have a translator for you?

20 MS. MAJORCA: No, if I need --

21 MAYOR STACK: Mr. Mercado is --

22 MS. MAJORCA: -- it, is okay. Everything
23 is okay.

24 MAYOR STACK: You're sure?

25 All right.

1 MR. FARMER: I've -- I've had an
2 opportunity to speak with Miss Majorca, --

3 MAYOR STACK: Definitely not Danny.

4 MR. FARMER: -- not only -- not only today
5 -- but she came to my office last week.

6 And basically this is a paper violation.
7 And we have agreed to a three day suspension,
8 which is consistent with what we've always done
9 with paper violations and we have talked about
10 that the paper violation will be May 11th, 12th
11 and 13th.

12 MAYOR STACK: May 11th, --

13 COMMISSIONER MARTINETTI: Twelfth and 13th.

14 MAYOR STACK: -- 12th and 13th.

15 MS. MAJORCA: That's good.

16 MR. FARMER: That's a Monday, Tuesday and
17 Wednesday.

18 MS. MAJORCA: That's good.

19 MAYOR STACK: Do you agree with what Mr.
20 Farmer has said, Ms. Majorca?

21 MS. MAJORCA: Yes, okay, correct.

22 MAYOR STACK: That means the license will
23 -- you won't be able to operate a liquor
24 establishment on May 11th, May 12th, --

25 MS. MAJORCA: Yes.

1 MAYOR STACK: -- May 13th.
2 You're in agreement with that?
3 MS. MAJORCA: Yes.
4 MAYOR STACK: Great.
5 Thank you very much.
6 Motion.
7 ACTING CITY CLERK: Motion by Mayor Stack.
8 MAYOR STACK: Thank you.
9 COMMISSIONER MARTINETTI: Second.
10 COMMISSIONER RIVAS: Second.
11 ACTING CITY CLERK: Second by Commissioner
12 Martinetti.
13 Roll call.
14 Commissioner Fernandez?
15 COMMISSIONER FERNANDEZ: Yes.
16 ACTING CITY CLERK: 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 **ADJOURNMENT:**

2

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

5 Is there a motion to adjourn?

6 MAYOR STACK: Motion.

7 ACTING CITY CLERK: Motion by Mayor Stack.

8 COMMISSIONER RIVAS: Second.

9 ACTING CITY CLERK: Second by Commissioner
10 Rivas.

11 All in favor?

12

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

14

15 ACTING CITY CLERK: Thank you.

16

17 (Whereupon, the proceedings were concluded
18 at 7:28 p.m.)

19

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1	_____	Brian P. Stack
2	_____	Lucio P. Fernandez
3	_____	Maryury A. Martinetti
4	_____	Celin J. Valdivia
5	_____	Tilo E. Rivas

6 **Board of Commissioners**

7

8 **Attest:**

9 **Dominick Cantatore,**

10 **Acting City Clerk**

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Tuesday, April 21, 2015 and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon