

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

Tuesday, May 19, 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

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

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1 ACTING CITY CLERK: -- Union City Board of
2 Commissioner, being held on Tuesday, May 19,
3 2015, at seven p.m., at the Bruce D. Walter
4 Recreation Center, 507 West Street, Union City,
5 New Jersey.

6 Everyone please rise for the Pledge of
7 Allegiance.

8
9 (Whereupon the Pledge of Allegiance was
10 said.)

11
12 ACTING CITY CLERK: This meeting has been
13 called in accordance with Chapter 231, Public Law
14 of 1975, the Open Public Meeting Act. Adequate
15 notice of this meeting has been provided as
16 follows:

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

24
25 **ROLL CALL:**

1

2

ACTING CITY CLERK: Roll call.

3

Commissioner Fernandez?

4

COMMISSIONER FERNANDEZ: Here.

5

ACTING CITY CLERK: Commissioner Rivas?

6

COMMISSIONER RIVAS: Here.

7

ACTING CITY CLERK: Commissioner Valdivia?

8

COMMISSIONER VALDIVIA: Here.

9

ACTING CITY CLERK: Commissioner

10 Martinetti?

11

COMMISSIONER MARTINETTI: Here.

12

ACTING CITY CLERK: Mayor Stack?

13

MAYOR STACK: Here.

14

ACTING CITY CLERK: First item is Approval

15

of Previous --

16

COMMISSIONER FERNANDEZ: City Clerk?

17

I'm sorry to interrupt, sir.

18

I'd like to take a moment to -- to honor

19

Ms. Margaret Stack who passed away this past

20

Wednesday. I'd like to take a moment of silence

21

please.

22

MAYOR STACK: Thank you, Lucio.

23

24

(Whereupon, there was a moment of silence.)

25

1 COMMISSIONER FERNANDEZ: Thank you very
2 much.

3 MAYOR STACK: Thank you, Lucio.
4 Thank you, Commissioners.

5 COMMISSIONER FERNANDEZ: Ms. Margaret Stack
6 was the Mayor's mother and after being ill for
7 several years, she was terminally -- very badly
8 ill for the past three months. A lot of
9 suffering and thank God she -- she's resting in
10 peace now.

11 Thank you very much.

12 MAYOR STACK: Thank you.

13 COMMISSIONER FERNANDEZ: Thank you, Mayor.

14 MAYOR STACK: Thank you, Lucio.

15 Thank you, Commissioners.

16

17 **APPROVAL OF PREVIOUS MEETING MINUTES FROM APRIL**
18 **7, 2015:**

19

20 ACTING CITY CLERK: First item is a motion
21 to -- is Approval of Previous Meeting Minutes --

22 COMMISSIONER VALDIVIA: Move it.

23 ACTING CITY CLERK: -- of April 7, 2015.

24 Motion made by Commissioner Valdivia.

25 COMMISSIONER RIVAS: Second.

1 ACTING CITY CLERK: Second by Commissioner
2 Rivas.

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

16 **ORDINANCES FOR HEARING AND ADOPTION**

17 **CONSIDERATION:**

18

19 (1) ORDINANCE AN ORDINANCE AMENDING CHAPTER 386
20 OF THE CODE OF THE CITY OF UNION CITY ENTITLED
21 "TAXI CABS"

22

23 ACTING CITY CLERK: Next item is an
24 Ordinance for Hearing and Adoption Consideration.

25 This Ordinance Amending Chapter 386 of the

1 Code of the City of Union City Entitled Taxi
2 Cabs.

3 Mayor, do you wish to take public
4 comment --

5 MAYOR STACK: Sure.

6 ACTING CITY CLERK: -- on this Ordinance?

7 MAYOR STACK: Sure.

8 Anyone wishing to comment at this time on
9 this Ordinance, please step forward, state your
10 name and address for the record.

11 ACTING CITY CLERK: Seeing none.

12 COMMISSIONER RIVAS: Seeing none.

13 ACTING CITY CLERK: Is there a motion?

14 COMMISSIONER MARTINETTI: Motion.

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

17 COMMISSIONER VALDIVIA: Second.

18 ACTING CITY CLERK: Second by Commissioner
19 Valdivia.

20 Roll call.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 ACTING CITY CLERK: Commissioner Rivas?

24 COMMISSIONER RIVAS: Yes.

25 ACTING CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 ACTING CITY CLERK: Commissioner

3 Martinetti?

4 COMMISSIONER MARTINETTI: Yes.

5 ACTING CITY CLERK: Mayor Stack?

6 MAYOR STACK: Yes.

7 ACTING CITY CLERK: Is there a motion to

8 adopt?

9 COMMISSIONER MARTINETTI: Motion.

10 ACTING CITY CLERK: Motion by Commissioner

11 Martinetti.

12 COMMISSIONER VALDIVIA: Second.

13 COMMISSIONER FERNANDEZ: Second.

14 ACTING CITY CLERK: Second by Commissioner

15 Valdivia.

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: Mayor Stack?

24 MAYOR STACK: Yes.

25 ACTING CITY CLERK: Next item --

1 COMMISSIONER MARTINETTI: You skipped me.

2 ACTING CITY CLERK: -- is Consent Agenda.

3 COMMISSIONER MARTINETTI: You skipped me.

4 ACTING CITY CLERK: Oh. Did I skip you?

5 Commissioner Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 ACTING CITY CLERK: Sorry.

8

9 **CONSENT AGENDA:**

10

11 (1) Resolution Approving the Payment of Claims

12 (2) Resolution Approving the Payment of

13 Concurring Claims

14 (3) Resolution Approving the City Payroll for

15 the Period of May 6, 2015 through May 19, 2015

16 (4) Resolution Approving the Library Payroll

17 for the Period of May 6, 2015 through May 19,

18 2015

19 (5) Resolution Authorizing the City Clerk to

20 Advertise for the Receipt of Bids for the Elgin

21 Pelican Street Sweepers

22 (6) Resolution Authorizing Advertisement for

23 Bid for the Playground Surface Replacement

24 Project

25 (7) Resolution Authorizing Advertisement for

1 Bid for the Rebid of the Landscape Maintenance
2 Program for Washington Park and Ellsworth Park
3 (8) Resolution Authorizing Advertisement for
4 Bid for the 2015 Park Landscaping Maintenance
5 Program
6 (9) Resolution Authorizing Advertisement for
7 Bids for Summer Food Service Program - 2015
8 (10) Resolution Awarding Contract to If It's
9 Water, Inc. for Purchase and Delivery of Chlorine
10 and Related Water Supplies
11 (11) Resolution Approving State Contract with
12 Taser International for Police Items
13 (12) Resolution Awarding Contract to Joseph
14 Smentkowski, Inc. t/a Galaxy Carting for Solid
15 Waste and Recyclable Material Collection and
16 Disposal
17 (13) Resolution Approving and Accepting State
18 Fiscal Year 2014 Corrective Action Plan
19 (14) Resolution Authorizing Execution of a
20 Memorandum of Understanding with the State of New
21 Jersey Director of the Division of Local
22 Government Services for Transitional Aid
23 (15) Resolution Approving the Person to Person
24 and Place to Place Transfer of Liquor License No.
25 0910-44-027-004 from International Liquors and

- 1 Beverages Wholesalers, Inc. to Sapan Spirit, LLC,
2 Located at 126 43rd Street
- 3 (16) Resolution Approving Disciplinary
4 Proceedings Against El Cuco t/a R.G. Miranda,
5 Located at 516 Kennedy Boulevard, Liquor License
6 No. 0910-33-041-005
- 7 (17) Resolution Approving Disciplinary
8 Proceedings Against Centro Bar t/a 2216
9 Bergenline Avenue LLC, Located at 2216 Bergenline
10 Avenue, Liquor License No. 0910-33-166-004
- 11 (18) Resolution Approving Disciplinary
12 Proceedings Against Uno Bar t/a Dolores Castro,
13 Located at 3607 New York Avenue, Liquor License
14 No. 0910-33-108-004
- 15 (19) Resolution Approving Disciplinary
16 Proceedings Against Adoro Café and Lounge t/a
17 A & C Corp., Located at 414 38th Street, Liquor
18 License No. 0910-33-149-005
- 19 (20) Resolution Naming 38th Street from Palisade
20 to Hudson Avenue as Antonio Ibarria Way
- 21 (21) Resolution Re-Appointing Member Ulysses Isa
22 to the Parking Authority
- 23 (22) Resolution Re-Appointing Member Ydalia
24 Genao to the Planning Board
- 25 (23) Resolution Appointing Members to the Union

1 City Housing Authority

2 (24) Resolution Authorizing Refund of Redemption
3 Monies to Outside Lienholders

4 (25) Resolution Authorizing the Refund of
5 Premium Monies Collected at the Tax Sale

6 (26) Resolution Authorizing the Refund of a Tax
7 Appeal Payment Made on the Wrong Parcel

8 (27) Resolution Authorizing the Refund of a
9 Duplicate Payment for Real Estate Taxes on Block
10 23, Lot 5, Also known as 508-10 5th Street

11 (28) Any other matter of City business that may
12 arise

13

14 ACTING CITY CLERK: Next item is a Consent
15 Agenda. There are 27 items on the Consent
16 Agenda.

17 The first item is Resolution Approving the
18 Payments of Claims.

19 Item 2.

20 Resolution Approving the Payment of
21 Concurring Claims.

22 Item 3.

23 Resolution Approving the City Payroll for
24 the Period of May 6, 2015 through May 19, 2015.

25 Item 4.

1 Resolution Approving the Library Payroll
2 for the Period of May 6, 2015 through May 19,
3 2015.

4 Item 5.

5 Resolution Authorizing the City Clerk to
6 Advertise for the Receipt of Bids for the Elgin
7 Pelican Street Sweepers.

8 Item 6.

9 Resolution Authorizing Advertisement for
10 Bid for the Playground Surface Replacement
11 Project.

12 Item 7.

13 Resolution Authorizing Advertisement for
14 Bid for the Rebid of the Landscaping Maintenance
15 Program for Washington Park and Ellsworth Park.

16 Item 8.

17 Resolution Authorizing Advertisement for
18 Bid for the 2015 Park Landscaping Maintenance
19 Program.

20 Item 9.

21 Resolution Authorizing Advertisement for
22 Bids for Summer Food Service Program, 2015.

23 Item 10.

24 Resolution Awarding Contract for -- to If
25 It's Water, Inc. for Purchase and Delivery of

1 Chlorine and Related Water Supplies.

2 Item 11.

3 Resolution Approving State Contract with
4 Taser International for Police Items.

5 Item 12.

6 Resolution Awarding Contract to Joseph
7 Smentkowski, Inc., also known as Galaxy Carting
8 for Solid Waste and Recyclable Material
9 Collection and Disposal.

10 Item 13.

11 Resolution Approving and Accepting State
12 Fiscal Year 2014 Corrective Action Plan.

13 Item 14.

14 Resolution Authorizing Execution of a
15 Memorandum of Understanding with the State of New
16 Jersey Director of Division of Local Government
17 Services for Transitional Aid.

18 Item 15.

19 Resolution Approving the Person to Person
20 and Place to Place Transfer of Liquor License
21 Number 0910-44-027-004 from International Liquors
22 and Beverages Wholesalers, Inc. to Sapan Spirit,
23 LLC, Located at 126 43rd Street.

24 Item 16.

25 Resolution Approving Disciplinary

1 Proceedings Against El Cuco, also known R.G.
2 Miranda, Located at 516 Kennedy Boulevard, Liquor
3 License Number 0910-33-041-005.

4 Item 17.

5 Resolution Approving Disciplinary
6 Proceedings Against Centro Bar, also known as
7 2216 Bergenline Avenue LLC, Located at 2216
8 Bergenline Avenue, Liquor License Number
9 0910-33-166-004.

10 Item 18.

11 Resolution Approving Disciplinary
12 Proceedings Against Uno Bar, also known as
13 Dolores Castro, Located at 3607 New York Avenue,
14 Liquor License Number 0910-33-108-004.

15 Item 19.

16 Resolution Approving Disciplinary
17 Proceedings Against Adoro Café and Lounge, also
18 known as A & C Corp., Located at 414 38th Street,
19 Liquor License Number 0910-33-149-005.

20 Item 20.

21 Resolution Naming -- Naming 38th Street
22 from Palisade to Hudson Avenue as Antonio Ibarria
23 Way.

24 Item 21.

25 Resolution Re-Appointing Member Ulysses Isa

1 to the Parking Authority.

2 Item 22.

3 Resolution Re-Appointing Member Ydalia
4 Genao to the Planning Board.

5 Item 23.

6 Resolution Appointing Members to the Union
7 City Housing Authority.

8 Item 24.

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

11 Item 25.

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

14 Item 26.

15 Resolution Authorizing Refund of a Tax
16 Appeal Payment Made on the Wrong Parcel.

17 Item 27.

18 Resolution Authorizing the Refund of a
19 Duplicate Payment for Real Estate Taxes on Block
20 23, Lot 5, also known as 508-10 5th Street.

21 Mayor, do you wish to take public comment
22 on any item on the Consent Agenda?

23 MAYOR STACK: Sure.

24 Just before we do, just on item number 6,
25 the Advertisement for Bid for Playground Surface

1 Replacement; this is in various parks in the City
2 that we've been working on.

3 The landscaping contracts for the both the
4 city-wide landscaping in the parks and specific
5 landscaping for Ellsworth and Washington, are
6 being --

7 Thank you.

8 -- are being re-bid -- are being re-bid
9 again. We've had issues with the landscapers.

10 In addition to that we're very grateful for
11 the aid that we have received from the State of
12 New Jersey and from Governor Chris Christie on
13 item number 14 with the memorandum of
14 understanding in the work that we're doing to
15 improve the finances and improve the City
16 overall.

17 Number 20, on renaming 38th Street from
18 Palisade to Hudson Avenue, Antonio Ibarria Way.
19 Tony Ibarria has been in this City for many, many
20 years. He owns a newspaper El Especial. A fine
21 individual. Somebody's who's committed to the
22 community for many, many years.

23 The Resolution Appointing Members to the
24 Union City Housing Authority. The Board
25 appointed several members that were also City

1 employees and according to the statute and
2 federal regs City employees -- no additional City
3 employees than what are on there were allowed.

4 So we're appointing two members who
5 actually living in public housing, which is
6 honestly probably the way it should be. Not
7 probably; it should be that way. People who live
8 in public housing should be a large part of the
9 Board. And that's one -- that's a Debra -- a
10 Debra Mundorf from 44th Street.

11 And we also have a Mr. Carney from 4th
12 Street in Union City. So that's two members that
13 we'll be appointing.

14 I also wanted to bring up -- it's not on
15 the Consent Agenda but I'm just going to go off
16 the Consent Agenda for a moment. Is that earlier
17 this week Gary Kugler, Reverend Gary Kugler
18 passed away.

19 I know that there's a service this Thursday
20 night at the church on 36th and Palisade at seven
21 p.m.

22 At one of our -- I think the last meeting
23 or the meeting prior, I had mentioned what a
24 great individual Gary was and I meant that.

25 I've known Gary Kugler not as long probably

1 as Libero has known him but I've known Gary
2 Kugler probably most of my -- since I've been a
3 teenager, 13 -- maybe 13 years old when I used to
4 walk to City Hall after school every day and I
5 used to see him all the time.

6 What I always respected about him is how he
7 opened up the shelter on 36th and Palisade, amid
8 much criticism, and yet he stood tall and strong
9 and was the one that really got the shelter
10 going.

11 A fine individual. Somebody who is truly
12 humanitarian; cared about other people. And when
13 my mom was sick in Englewood Hospital he would
14 travel to Englewood to go up and see my mother
15 from time to time. My mother didn't know him
16 well but he went up there to pray with my mother
17 and he was just a fine, fine individual. And I
18 think it's a major -- I feel it's a major loss to
19 Union City.

20 And I haven't discussed it with the
21 Commissioners yet but just sitting here tonight I
22 think it would be something very nice for Gary
23 Kugler and his entire family if we renamed 36th
24 Street, from Palisade to New York Avenue,
25 Reverend Gary Kugler Way honorary. So that his

1 memory will always live on 36th and Palisade
2 Avenue; it will be recognized that the
3 contributions he made, not only to Union City but
4 to life in Union City and the sacrifices he made
5 over the years to do for others who were less
6 fortunate.

7 If you call the number right now at the
8 church you'll still hear his voice where he tells
9 people where they can seek shelter. He was just
10 an exceptional individual and somebody who should
11 be recognized.

12 So, if we could work on that collectively
13 and get that done in the near future, it would be
14 nice I think for the family.

15 Anyone wishing to comment on the Consent
16 Agenda, please step forward, state your name and
17 address for the record.

18 Mr. Price, if you could just come right
19 over here.

20 MR. PRICE: Larry Price, 1006 Palisade
21 Avenue.

22 A question about item number 12, the
23 garbage contract?

24 MAYOR STACK: Yes.

25 MR. PRICE: There was a comment made a

1 while back there was going to be a joint bid with
2 Jersey City Improvement Authority so that we
3 could get a better price on --

4 What happened to that?

5 MAYOR STACK: The number's actually higher
6 than doing it on our own. Yeah.

7 MR. PRICE: That's Jersey City Improvement
8 Authority.

9 MAYOR STACK: Regionalization and
10 consolidation doesn't always work.

11 MR. PRICE: We got a fire department to
12 prove that.

13 MAYOR STACK: Exactly. Exactly right.

14 Oh, don't get me started on that one.

15 Anyone else wishing to comment at this
16 time?

17 Okay, seeing no other, I'll make a motion
18 to approve.

19 ACTING CITY CLERK: There's a motion; Mayor
20 Stack.

21 MAYOR STACK: Motion to close and approve.

22 COMMISSIONER RIVAS: Second.

23 ACTING CITY CLERK: Second by Commissioner
24 Rivas.

25 Roll call.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 ACTING CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: Yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12 ACTING CITY CLERK: Is the motion to

13 approve all items on the Consent Agenda?

14 COMMISSIONER VALDIVIA: Motion.

15 ACTING CITY CLERK: Motion by Commissioner

16 Valdivia.

17 COMMISSIONER RIVAS: Second.

18 ACTING CITY CLERK: Second by Commissioner

19 Rivas.

20 Roll call.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 ACTING CITY CLERK: Commissioner Rivas?

24 COMMISSIONER RIVAS: Yes.

25 ACTING CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 ACTING CITY CLERK: Commissioner
3 Martinetti?

4 COMMISSIONER MARTINETTI: I want to recuse
5 on any payments to Lopez and Diaz, Esquire.

6 Aye on the rest.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

9

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

11

12 () AN ORDINANCE AMENDING CHAPTER 366 OF THE
13 CODE OF THE CITY OF UNION CITY ENTITLED "STEESS
14 (sic) AND SIDEWALKS"

15

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

18 This Ordinance will further -- considered
19 at a meeting of the Board of Commission to be
20 held on Wednesday, June 3rd, 2015, at seven p.m.
21 at the Colin Powell Elementary School, 1500 New
22 York Avenue, Union City, New Jersey.

23 An Ordinance Amending Chapter 366 of the
24 Code of the City of Union City Entitled Streets
25 and Sidewalks.

1 MAYOR STACK: Just what exactly will this
2 Ordinance do?

3 Just so we can -- for the public's
4 knowledge.

5 MS. de los RIOS: Yes, Mayor. What this
6 Ordinance will do is set a three-tier fine
7 structure for anyone who uses rock salt.

8 The three-tier system would be first
9 offense would be a fine of \$250.00; second
10 offense would be a fine of \$500.00; and the third
11 offense of 750.

12 MAYOR STACK: This is important to do.
13 We'll -- we'll have a hearing on this obviously.
14 This is important to do because the investment
15 that the City has made through grants and through
16 bonds on doing these new sidewalks, they're
17 beautiful, we just want people to preserve them.

18 I don't think it's asking too much when
19 you're putting a brand new sidewalk in for
20 somebody and you're saying to the person, use
21 calcium chloride, don't use rock salt because it
22 eats the sidewalk. Especially in the first four
23 years of when you put down a new concrete
24 sidewalk.

25 If you walk New York Avenue and you take a

1 look, -- I walked it with the engineer from 48
2 down to second, I think we counted 37 spots that
3 people have actually threw rock salt and, for the
4 large part, destroyed the sidewalk.

5 It's very disheartening when you're trying
6 to make the City better and better every day and
7 building up the infrastructure to see that
8 happening.

9 So, I know we did a lot of mailings on it.
10 We don't have -- for the most part, I see
11 citywide more and more people are getting away
12 from rock salt and using calcium chloride and
13 that's a good thing; because rock salt just
14 destroys it. It also hurts the environment.

15 So, we'll have a hearing on this at the
16 next meeting. Our next meeting is actually on a
17 Wednesday, because Tuesday is Election Day
18 Primary. It will be Wednesday, June 3rd, at Colin
19 Powell.

20 ACTING CITY CLERK: Is there a motion to --

21 MAYOR STACK: Motion.

22 ACTING CITY CLERK: -- introduce?

23 Motion made by Mayor Stack.

24 COMMISSIONER VALDIVIA: Second.

25 COMMISSIONER RIVAS: Second.

1 ACTING CITY CLERK: Second by Commissioner
2 Valdivia.

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 And this -- this will --

16 I'm sorry, Dominick.

17 This will just preserve the sidewalk. A
18 sidewalk such as this that has six inches of
19 concrete should last, you know, 30, 35 years.
20 Some of the sidewalks that are down, the original
21 sidewalks were put in.

22 So, we're just looking to preserve for the
23 people who live here today, who live here in ten
24 years, in 20 years, and 30 years from now.

25 And we're doing the same thing with our

1 streets. I know, Libero, I know you probably
2 seen it on New York Avenue today coming here,
3 PSE&G came out and repaired New York Avenue --
4 two blocks.

5 Larry, I know you probably seen eight to
6 ten on Palisade. United Water dug that up; they
7 came back out and repaired it. We're just trying
8 to preserve what we have.

9

10 **REGULAR AGENDA:**

11

12 1. Resolution Approving the Redevelopment
13 Agency Payroll for the Period of May 6, 2015
14 through May 19, 2015

15

16 ACTING CITY CLERK: Okay, the next item is
17 the Regular Agenda.

18 First item is Resolution Approving the
19 Redevelopment Agency Payroll for the Period of
20 May 6, 2015 through May 19, 2015.

21 MAYOR STACK: Motion.

22 ACTING CITY CLERK: Motion by Mayor Stack.

23 COMMISSIONER RIVAS: Second.

24 COMMISSIONER VALDIVIA: Second.

25 ACTING CITY CLERK: Second by Commissioner

1 Rivas.

2 Roll call.

3 Commissioner Fernandez; recusing.

4 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 **REGULAR AGENDA:**

15

16 2. Resolution Authorizing Payment of Claim to
17 the Hudson County Improvement Authority

18

19 ACTING CITY CLERK: Next item, Resolution
20 Authorizing Payment of Claim to the Hudson County
21 Improvement Authority.

22 Is there a motion?

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 recusing.

8 Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 ACTING CITY CLERK: Commissioner
11 Martinetti; recusing.

12 Mayor Stack?

13 MAYOR STACK: Yes.

14

15 **REGULAR AGENDA:**

16

17 3. Resolution Authorizing Payment of Claim to
18 the Hudson County Department of Finance

19

20 ACTING CITY CLERK: Item 3.

21 Resolution Authorizing Payment of Claim to
22 the Hudson Department of Finance.

23 Is there a motion?

24 COMMISSIONER VALDIVIA: Motion.

25 MAYOR STACK: Motion.

1 ACTING CITY CLERK: Motion by Mayor Stack.

2 ACTING CITY CLERK: Second by Commissioner
3 Valdivia.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Rivas;
8 recusing.

9 Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti; recusing.

13 Mayor Stack?

14 MAYOR STACK: Yes.

15

16 **REGULAR AGENDA:**

17

18 4. Resolution Authorizing Payment of Claim to
19 the North Hudson Regional Fire & Rescue

20

21 ACTING CITY CLERK: Item 4.

22 Resolution Authorizing Payment of Claim to
23 the North Hudson Regional and Fire Rescue.

24 Is there a motion?

25 MAYOR STACK: Motion.

1 COMMISSIONER VALDIVIA: Move.

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

4 Roll --

5 Motion --

6 I'm sorry.

7 Second by Mayor Stack.

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; recusing.

17 Mayor Stack?

18 MAYOR STACK: Yes.

19

20 **REGULAR AGENDA:**

21

22 5. Resolution Authorizing Payment of Claim to
23 the Union City Board of Education

24

25 ACTING CITY CLERK: Item 5.

1 Resolution Authorizing Payment of Claim to
2 the Union City Board of Education.

3 MAYOR STACK: Motion.

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

6 COMMISSIONER RIVAS: Second.

7 ACTING CITY CLERK: Second by Commissioner
8 Rivas.

9 Roll call.

10 Commissioner Fernandez; recusing.

11 Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 ACTING CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 ACTING CITY CLERK: Commissioner
16 Martinetti; recusing.

17 Mayor Stack?

18 MAYOR STACK: Yes.

19

20 **REGULAR AGENDA:**

21

22 6. Resolution Authorizing Payment of Claim to
23 the Hudson Regional Health Commission

24

25 ACTING CITY CLERK: Item 6.

1 Resolution Authorizing Payments of Claim to
2 the Hudson Regional Health Commission.

3 Is there a motion?

4 MAYOR STACK: Motion.

5 ACTING CITY CLERK: A motion by Mayor
6 Stack.

7 COMMISSIONER VALDIVIA: Second.

8 ACTING CITY CLERK: Second by Commissioner
9 Valdivia.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Should I vote on this?

15 COMMISSIONER FERNANDEZ: No, Hudson
16 Regional.

17 COMMISSIONER RIVAS: I recuse myself.

18 MS. de los RIOS: It's -- it's not Hudson
19 Regional.

20 MAYOR STACK: I don't think it's --

21 MS. de los RIOS: No, it's fine.

22 MAYOR STACK: -- being a Freeholder.

23 MS. de los RIOS: Yeah.

24 MAYOR STACK: I mean I don't --

25 MS. de los RIOS: No.

1 MAYOR STACK: Monica, for a legal opinion?

2 MS. de los RIOS: You can vote on this.

3 COMMISSIONER RIVAS: Okay.

4 MAYOR STACK: Okay.

5 COMMISSIONER RIVAS: Yes.

6 Thank you.

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

15 **REGULAR AGENDA:**

16

17 8. Resolution Authorizing Donor Agreement for
18 2015 with the Union City Day Care Program

19

20 ACTING CITY CLERK: Next -- next item is a
21 Resolution Authorizing Donor Agreement for 2015
22 with the Union City Day Care Program.

23 Is there a motion?

24 COMMISSIONER MARTINETTI: Motion.

25 ACTING CITY CLERK: Motion by --

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: -- Commissioner
3 Martinetti.

4 Second by Commissioner Rivas.

5 Roll call.

6 Commissioner Fernandez; recusing.

7 Commissioner Rivas?

8 COMMISSIONER RIVAS: Yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack; recusing.

15

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

17

18 ACTING CITY CLERK: Mayor, there are no
19 other items on the Regular Agenda.

20 You want to take public comment at this
21 time?

22 MAYOR STACK: Sure.

23 Then we have one Liquor License Hearing,
24 right?

25 ACTING CITY CLERK: Yes.

1 MAYOR STACK: Sure.

2 Anyone wishing to comment at this time on
3 the -- on any matter concerning municipal
4 government in the City of Union City, please step
5 forward, state your name and address for the
6 record.

7 Seeing none.

8 ACTING CITY CLERK: None.

9 Is there a motion to close the public
10 comment?

11 COMMISSIONER MARTINETTI: Motion.

12 ACTING CITY CLERK: Motion made by
13 Commissioner Martinetti.

14 COMMISSIONER VALDIVIA: Second.

15 ACTING CITY CLERK: Second by Commissioner
16 Valdivia.

17 Roll call.

18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 ACTING CITY CLERK: Commissioner Rivas?

21 COMMISSIONER RIVAS: Yes.

22 ACTING CITY CLERK: Commissioner Valdivia?

23 COMMISSIONER VALDIVIA: Yes.

24 ACTING CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 ACTING CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4

5 **REGULAR AGENDA:**

6

7 7. Resolution to Approve a Budget Transfer for
8 the State Fiscal Year 2015

9

10 ACTING CITY CLERK: Okay, sorry.

11 COMMISSIONER MARTINETTI: Number 7.

12 ACTING CITY CLERK: I missed -- okay,
13 sorry.

14 COMMISSIONER MARTINETTI: Number 7.

15 ACTING CITY CLERK: Mayor and Commission, I
16 missed number 7, going back to the Regular
17 Agenda.

18 Resolution to Approve a Budget Transfer for
19 the State Fiscal Year 2015.

20 MAYOR STACK: I missed it too.

21 ACTING CITY CLERK: Is there --

22 MAYOR STACK: I'll make a motion.

23 ACTING CITY CLERK: Motion by Mayor Stack.

24 COMMISSIONER MARTINETTI: Second.

25 ACTING CITY CLERK: Second by Commissioner

1 Martinetti.

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

15 * * *

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1 LIQUOR LICENSE HEARING

2

3 HEARING TO EXTEND LICENSE TO BANKRUPTCY TRUSTEE
4 PARK AVENUE BAR & GRILL, LLC LOCATED AT 3417 PARK
5 AVENUE, LIQUOR LICENSE NO. 0910-33-119-004

6

7 ACTING CITY CLERK: Next --

8 MAYOR STACK: On the liquor license?

9 ACTING CITY CLERK: The Liquor License
10 Hearing.

11 MAYOR STACK: Sure.

12 MS. de los RIOS: Yeah.

13 MAYOR STACK: This is a Hearing to Extend
14 the License --

15 ACTING CITY CLERK: Yeah, Hearing to Extend
16 License to Bankruptcy Trustee, Park Avenue Bar
17 and Grill, LLC Located at 3417 Park Avenue,
18 Liquor License Number 0910-33-119-004.

19 MAYOR STACK: Sure.

20 Sir, if you could just step forward. Step
21 right over here and just enter your appearance
22 for the record.

23 MR. HARMON: Good evening, Mayor Stack and
24 Commissioners.

25 John Harmon, with the firm Rabinowitz,

1 Lubetkin and Tully, on behalf of Jay Lubetkin
2 who's the Chapter 7 Bankruptcy Trustee for Park
3 Ave. Bar and Grill.

4 And I'm here to answer any questions you
5 may have. I'd like to express my thanks to Mr.
6 Cantatore and Miss de los Rios for their
7 assistance in making this application.

8 MAYOR STACK: Sure.

9 If you could just give us maybe a brief
10 overview of what's taking place, we appreciate
11 that.

12 MR. HARMON: Sure.

13 The debtor, Park Avenue Bar and Grill, as
14 you most all are likely aware, is operating -- or
15 was operating a restaurant on Park Ave in Union
16 City. The filed for a Chapter 11
17 reorganizational bankruptcy last year.

18 But in December of 2014, the Bankruptcy --
19 the Bankruptcy Court converted that Chapter 11
20 bankruptcy into a Chapter 7 liquidation
21 bankruptcy and appointed Jay Lubetkin as the
22 trustee.

23 And the trustees duties under the
24 Bankruptcy Code are to marshal the assets of the
25 bankruptcy estate for the benefit of the

1 unsecured creditors of the debtor. So the
2 trustee has taken steps to sell all the property
3 of the debtor and to sell the liquor license.

4 The Bankruptcy Code provides that all
5 property of the debtor, including a liquor
6 license, passes into the control of the trustee.
7 But also provides that state law applies insofar
8 as applicable to any kind of transfer of
9 property. So, New Jersey Statutory and
10 Regulatory Requirements are applicable to the
11 transfer of the liquor license into the trustee's
12 possession.

13 So the trustee has taken steps to file the
14 appropriate application for the transfer of the
15 liquor license from the names of Park Avenue Bar
16 and Grill as a standalone entity, into his own
17 name as the trustee for Park Ave Bar and Grill.
18 And he has filed that application with the town
19 of Union City.

20 Detective Ocasio in the Union City Police
21 Department processed that and sent it on to the
22 State Alcohol Beverage Control. They've -- they
23 said it's good to go pending the approval by the
24 Board of Commissioners.

25 And, so that's why I'm here before you this

1 evening.

2 MAYOR STACK: You're also handling the
3 building itself?

4 MR. HARMON: No, we're not handling the
5 building itself.

6 The building was owned by a separate
7 corporate entity. That entity is not in
8 bankruptcy.

9 MAYOR STACK: I see.

10 So this license, more than likely, will be
11 transferred to another location?

12 MR. HARMON: Yes, unless the person taking
13 the license, you know, reaches a deal with the --
14 you know, it could reach a deal with the building
15 owners.

16 MAYOR STACK: I see.

17 MR. HARMON: So.

18 MAYOR STACK: Okay.

19 Any other questions of the Commissioners?

20 Any member of the public have any questions
21 on this license at Park Avenue Bar and Grill,
22 located at 3417 Park Avenue in Union City?

23 Okay, I'll make a motion.

24 MR. MAROTTA: They filed bankruptcy?

25 MAYOR STACK: You want to ask a question,

1 Libero?

2 MR. MAROTTA: No.

3 MAYOR STACK: No?

4 Okay.

5 ACTING CITY CLERK: Okay, the motion by
6 Mayor Stack?

7 MAYOR STACK: Motion.

8 COMMISSIONER MARTINETTI: Second.

9 ACTING CITY CLERK: Second by Commissioner
10 Martinetti.

11 Roll call.

12 Commissioner Fernandez?

13 COMMISSIONER FERNANDEZ: Yes.

14 ACTING CITY CLERK: Commissioner Rivas?

15 COMMISSIONER RIVAS: Yes.

16 ACTING CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner

19 Martinetti?

20 COMMISSIONER MARTINETTI: Yes.

21 ACTING CITY CLERK: Mayor Stack?

22 MAYOR STACK: Yes.

23

24 **ADJOURNMENT:**

25

1 ACTING CITY CLERK: We have no other items
2 on the agenda.

3 Is there a motion to adjourn?

4 MAYOR STACK: Motion.

5 COMMISSIONER MARTINETTI: Motion.

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

8 MAYOR STACK: Thank you very much, sir.

9 COMMISSIONER MARTINETTI: Thank you.

10 MAYOR STACK: Thank you.

11 ACTING CITY CLERK: Second by Commissioner
12 Martinetti.

13 All in favor?

14

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

16

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

19

20

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25

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

6 **Board of Commissioners**

7

8 **Attest:**

9 **Dominick Cantatore,**

10 **Acting City Clerk**

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Tuesday, May 19, 2015 and digitally
10 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon