

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

:
:
REGULAR MEETING :
:
TRANSCRIPT OF RECORDED
PROCEEDINGS

William V. Musto
Cultural Center
420 15th Street
Union City, New Jersey

Wednesday, August 5, 2015
Commencing at 7:02 p.m.

M E M B E R S P R E S E N T:

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

M E M B E R S A B S E N T:

A L S O P R E S E N T:

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

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

SUSAN COLDITZ, Chief Financial Officer

ERIN KNOEDLER, Director of Operations/
Acting City Clerk

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1 ACTING CITY CLERK: Please stand for the
2 Pledge.

3

4 (Whereupon the Pledge of Allegiance was
5 said.)

6

7 ACTING CITY CLERK: This meeting has been
8 called in accordance with Chapter 231, Public Law
9 of 1975, the Open Public Meetings Act.

10 Adequate notice of this meeting has been
11 provided as follows:

12 Notice of this meeting setting forth the
13 time, date, location, and agenda, to the extent
14 known, was forwarded to The Jersey Journal, The
15 Record, The Hudson Reporter, and has been posted
16 on a bulletin board in City Hall, and made
17 available to the public in the office of the
18 Municipal Clerk.

19

20 **ROLL CALL:**

21

22 ACTING CITY CLERK: Roll call.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Here.

25 ACTING CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Here.

2 ACTING CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Here.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Here.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Here.

9

10 **APPROVAL OF PREVIOUS MEETING MINUTES FROM JUNE**
11 **16, 2015:**

12

13 ACTING CITY CLERK: The next item is the
14 Approval of the Minutes from the meeting of June
15 16th.

16 May I have a motion to --

17 COMMISSIONER VALDIVIA: Motion.

18 MAYOR STACK: Second.

19 ACTING CITY CLERK: Seconded.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 ACTING CITY CLERK: Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 ACTING CITY CLERK: Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 ACTING CITY CLERK: Commissioner
2 Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 ACTING CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6

7 **CONSENT AGENDA:**

8

9 (1) Resolution Approving the Payment of Claims

10 (2) Resolution Approving the Payment of
11 Concurring Claims

12 (3) Resolution Approving the City Payroll for
13 the Period of July 11, 2015 through July 24, 2015

14 (4) Resolution Approving the Library Payroll
15 for the Period of July 11, 2015 through July 24,
16 2015

17 (5) Resolution Awarding Contract for 2015
18 Community Development Agency Roadway Improvements
19 Program for Bergenline Avenue Section 2 to S.
20 Batata Construction Inc.

21 (6) Resolution Awarding Contract for Juan Pablo
22 Duarte Park Spray Ground Improvements to Ray
23 Palmer Associates, Inc.

24 (7) Resolution Authorizing the Clerk to
25 Advertise Bids for the 47th Street Firehouse

- 1 Family Shelter, Located at 303 47th Street
- 2 (8) Resolution Authorizing the Clerk to
- 3 Advertise Bids for the 2015 CDA Citywide Sidewalk
- 4 Replacement Program
- 5 (9) Resolution Authorizing the Clerk to
- 6 Advertise Bids for the 2015 CDA Citywide Tree
- 7 Planting Program
- 8 (10) Resolution Authorizing an Amendment to the
- 9 Award of a Contract for Medical Director Services
- 10 with Dr. Howard Felderman
- 11 (11) Resolution Awarding State Contract for E-
- 12 Ticketing System to GTBM
- 13 (12) Resolution to Award Contract for Soccer
- 14 Equipment and Supplies
- 15 (13) Resolution to Approve Shared Services
- 16 Agreement with Town of West New York for Health
- 17 Officer Services
- 18 (14) Resolution Rejecting Bids for Citywide
- 19 Striping Phase 2 Contract
- 20 (15) Resolution Approving Disciplinary
- 21 Proceedings Against Milagro Ecuatoriano
- 22 Restaurant t/a Bambinas Bar & Restaurant, Located
- 23 at 2906 Bergenline Avenue, Liquor License No.
- 24 0910-33-040-009
- 25 (16) Resolution Authoring (sic) Assessor and

1 Special Counsel to Correct Errors in Tax
2 Assessments, Settle Certain Appeals and File
3 Municipal Tax Appeals for the Period of July 1,
4 2015 Through June 30, 2015 (sic)
5 (17) Resolution Setting the Preliminary Tax Levy
6 for Calendar Year 2015 and Authorizing the Tax
7 Collector to Prepare, Complete and Mail as Soon
8 as Practicable Tax Bills in Accordance with the
9 Procedures Set Forth in N.J.S.A. 54:4-66.2
10 (18) Resolution Authorizing Refund of Redemption
11 Monies to Outside Lienholders
12 (19) Resolution Authorizing the Refund of
13 Premium Monies Collected at the Tax Sale
14 (20) Any other matter of City business that may
15 arise

16
17 ACTING CITY CLERK: There are 19 items on
18 the Consent Agenda.

19 The first item is Resolution Approving the
20 Payment of Claims.

21 The second item is Resolution Approving the
22 Payment of Concurring Claims.

23 The third item is a Resolution Approving
24 the City Payroll for the Period of June (sic)
25 11th, 2015 through --

1 I'm sorry.

2 -- July 11th, 2015 through July 24th, 2015.

3 The fourth item is a Resolution Approving
4 the Library Payroll for the Period of July 11th,
5 2015 through July 24th, 2015.

6 The fifth item is Resolution Awarding
7 Contract for a 2015 Community Development Agency
8 Roadway Improvements Program for Bergenline
9 Avenue Section 2 to S. Batata Construction
10 Incorporated.

11 The sixth item.

12 Resolution Awarding Contract for Juan Pablo
13 Duarte Park Spray Ground Improvements to Ray
14 Palmer Associates, Incorporated.

15 The seventh item is a Resolution
16 Authorizing the Clerk to Advertise Bids for the
17 47th Street Firehouse Family Shelter, Located at
18 303 47th Street.

19 The eighth item is a Resolution Authorizing
20 the Clerk to Advertise Bids for the 2015 CDA
21 Citywide Sidewalk Replacement Program.

22 The ninth -- ninth item is a Resolution
23 Authorizing the Clerk to Advertise Bids for the
24 2015 CDA Citywide Tree Planting Program.

25 The tenth item is a Resolution Authorizing

1 an Amendment to the Award of a Contract for
2 Medical Director Services with Dr. Howard
3 Felderman.

4 The eleventh item is a Resolution Awarding
5 State Contract for E-Ticketing System to GTBM.

6 The twelfth item is a Resolution to Award a
7 Contract for Soccer Equipment and Supplies to BSN
8 Sports and Stan's Sports Center.

9 The thirteenth item is a Resolution to
10 Approve Shared Services Agreement with the Town
11 of West New York for Health Officer Services.

12 The fourteenth item is a Resolution
13 Rejecting Bids for the Citywide Striping Phase 2
14 Contract.

15 The sixteenth -- or, I'm sorry, the
16 fifteenth item is a Resolution Approving
17 Disciplinary Proceeding -- Proceedings Against
18 Milagro Ecuatoriano Restaurant/Bambinas Bar and
19 Restaurant, Located at 2906 Bergenline Avenue,
20 Liquor License Number 0910-33-040-009.

21 The sixteenth Resolution is Authorizing
22 Assessor and Special Counsel to Correct Errors in
23 Tax Assessments, Settle Certain Claims (sic) --
24 Appeals and File Municipal Tax Appeals for the
25 Period of July 1st, 2015 through June 30th, 2016.

1 The seventeenth item is a Resolution
2 Settling (sic) the Preliminary Tax Levy for
3 Calendar Year 2015 and Authorizing the Tax
4 Collector to Prepare, Complete and Mail as Soon
5 as Possible -- Practicable Tax Bills in
6 Accordance with the Procedures Set Forth in
7 N.J.S.A. 54:4-66.2.

8 The eighteenth item is a Resolution
9 Authorizing a Refund of Redemption Monies to
10 Outside Lienholders.

11 The nineteenth Resolution is Authorizing a
12 Refund for Premium Monies Collected at the Tax
13 Sale.

14 Mayor, at this time would you like to
15 provide public comment?

16 MAYOR STACK: Sure.

17 Just before we do, on the Resolution
18 Awarding the CDA Roadway Improvement Program,
19 that will pickup now where we left off last year
20 on Bergenline Avenue. We'll be going from 9th
21 Street going north on Bergenline Avenue. It's
22 our ultimate goal to try to get up to at least
23 15th Street. We probably won't get that far this
24 year; we might get to 13th Street.

25 On the Contract for Duarte Park Spray

1 Ground Improvements, that -- that is being
2 awarded. That work should start by probably by
3 the end of the month. That's putting in
4 additional spray equipment for the children.

5 The 47th Street Firehouse we talked about
6 several months ago. That will proceed as an
7 emergency shelter for fire victims. Taking an
8 old firehouse and converting it for fire victims.

9 And the City -- CDA Citywide Sidewalk
10 Program is something we've done over the years,
11 various sidewalks throughout the City.

12 And the same thing with the Tree Program.
13 Hopefully with the tree program we'll plant close
14 to a thousand trees this year in the City, a
15 little bit more than that possibly.

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

19 MR. PRICE: Larry Price, 1006 Palisade.

20 On Bergenline. I happened to be going down
21 Bergenline Avenue today and it was closed off
22 starting at 15th Street going south and there was
23 a big trench dug in the middle of the street.
24 And it seemed to be Public Service kind of the --
25 a lot of -- lot of equipment when it --

1 Can't we get that one paid for from 15th
2 Street south because of opening the road?

3 MAYOR STACK: You know that's -- that's
4 pretty much of an old one, Larry. I wish I could.
5 That's an older street that hasn't been paved in
6 quite some time and it doesn't fall in -- under
7 our ordinance. But actually they're doing that
8 work because we're going in and replacing the
9 street and we're doing the sidewalks and the work
10 there.

11 So they're trying to get out in front of
12 us. Ultimately I won't pave -- this year I won't
13 pave 9th Street up to 15th this year; I'll pave it
14 next year. Because the trench always sinks.

15 So, we'll do the sidewalks, the tree
16 planting, the decorative lights this year and
17 then pave it next year after the trench settles.

18 MR. PRICE: But it's our nickel next year?

19 MAYOR STACK: Yeah. Absolutely.

20 MR. PRICE: Okay.

21 Thank you.

22 MAYOR STACK: Anyone else wishing to
23 comment on the Consent Agenda?

24 Okay. Seeing no other.

25 ACTING CITY CLERK: Is there a motion?

1 MAYOR STACK: Motion.

2 COMMISSIONER RIVAS: Second.

3 ACTING CITY CLERK: Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes with the
5 exception of number 1 and number 2 as it pertains
6 to the Redevelopment Agency; and number 18 as it
7 pertains to Brown Street.

8 Otherwise, 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: I recuse on the
16 payments for -- pertaining to Adolfo Lopez.

17 Aye on the rest.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20 ACTING CITY CLERK: Can I have a motion to
21 approve all items on Consent Agenda?

22 MAYOR STACK: Motion.

23 ACTING CITY CLERK: Second?

24 COMMISSIONER RIVAS: Second.

25 COMMISSIONER VALDIVIA: Second.

1 ACTING CITY CLERK: Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes, again, on --
3 yes on everything except as it pertains to number
4 1 and 2 as it pertains to the Redevelopment
5 Agency; and number 18 as it pertains to Brown
6 Street.

7 Otherwise, yes.

8 ACTING CITY CLERK: Commissioner Rivas?

9 COMMISSIONER RIVAS: Yes.

10 ACTING CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Yes.

12 ACTING CITY CLERK: Commissioner
13 Martinetti?

14 COMMISSIONER MARTINETTI: I'm recusing on
15 item number 1, payments pertaining to Adolfo
16 Lopez.

17 Aye on the rest.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

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

22

23 () AN ORDINANCE AMENDING CHAPTER 223 "LAND
24 DEVELOPMENT" OF THE CODE OF THE CITY OF UNION
25 CITY

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ACTING CITY CLERK: The next item on the agenda is an Ordinance for Introduction.

The Ordinance will be further considered at a Meeting of the Board of Commissioners to be held on August 18th, 2015, at seven p.m. at Saint Anthony's School, 700 Central Ave, Union City, New Jersey.

The Ordinance is Amending Chapter 223, Land Development, of the Code of the City of Union City.

Can I have a motion to introduce?

MAYOR STACK: Motion.

ACTING CITY CLERK: Seconded?

COMMISSIONER VALDIVIA: Second.

ACTING CITY CLERK: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.

ACTING CITY CLERK: Commissioner Rivas?

COMMISSIONER RIVAS: Yes.

ACTING CITY CLERK: Commissioner Valdivia?

COMMISSIONER VALDIVIA: Yes.

ACTING CITY CLERK: Commissioner Martinetti?

COMMISSIONER MARTINETTI: Yes.

ACTING CITY CLERK: Mayor Stack?

1 MAYOR STACK: Yes.

2

3 **REGULAR AGENDA:**

4

5 1. Resolution Approving the Redevelopment
6 Agency Payroll for the Period of July 11, 2015
7 through July 24, 2015

8

9 ACTING CITY CLERK: The next items on the
10 agenda are three -- three items on the Regular
11 Agenda.

12 The first is a Resolution Approving the
13 Redevelopment Agency Payroll for the Period of
14 July 11th, 2015 --

15 COMMISSIONER MARTINETTI: Motion.

16 ACTING CITY CLERK: -- through July 24th,
17 2015.

18 COMMISSIONER MARTINETTI: Sorry.

19 ACTING CITY CLERK: That's okay.

20 Motion is made by Commissioner Martinetti.

21 COMMISSIONER VALDIVIA: Second.

22 ACTING CITY CLERK: Second by Valdivia.

23 Commissioner Fernandez?

24 COMMISSIONER MARTINETTI: Recusing.

25 COMMISSIONER RIVAS: Recusing.

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:**

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13 2. Resolution Authorizing Payment of Claim to
14 the Hudson County Clerk

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16 ACTING CITY CLERK: The next item, item 2,
17 is a Resolution Authorizing the Payment of Claims
18 to the Hudson County Clerk.

19 May I have a motion?

20 COMMISSIONER VALDIVIA: Motion.

21 ACTING CITY CLERK: Second?

22 COMMISSIONER FERNANDEZ: Second.

23 ACTING CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 ACTING CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Recusing.

2 ACTING CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 ACTING CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Recusing.

7 ACTING CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

9

10 **REGULAR AGENDA:**

11

12 3. Resolution Authorizing Payment of Claim to
13 the Hudson Regional Health Commission

14

15 ACTING CITY CLERK: The third item is a
16 Resolution Authorizing Payment of Claim to Hudson
17 Regional Health Commission.

18 May I have a motion?

19 COMMISSIONER VALDIVIA: Motion.

20 COMMISSIONER MARTINETTI: Motion.

21 Second.

22 Valdivia.

23 Valdivia.

24 ACTING CITY CLERK: Valdivia? Okay.

25 COMMISSIONER MARTINETTI: Valdivia.

1 ACTING CITY CLERK: Sorry about that.

2 COMMISSIONER MARTINETTI: And --

3 ACTING CITY CLERK: Martinetti?

4 COMMISSIONER MARTINETTI: Yes.

5 ACTING CITY CLERK: 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 **OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:**

18

19 ACTING CITY CLERK: Mayor, at this time
20 would like to open the meeting to public comment?

21 MAYOR STACK: Sure.

22 Anyone wishing to address the Board at this
23 time, please step forward, state your name and
24 address for the record.

25 MR. MAROTTA: Libero Marotta, 311 9th

1 Street.

2 Mayor on the 38 million dollar bond
3 ordinance, what's the length of time for that
4 debt?

5 MAYOR STACK: I believe that's 30 years,
6 right?

7 MS. de los RIOS: Yes.

8 MAYOR STACK: Thirty years.

9 MR. MAROTTA: Thirty years.

10 What's the interest?

11 MS. COLDITZ: There's no interest rate yet.

12 MAYOR STACK: Do you know that?

13 ACTING CITY CLERK: There -- no, there's no
14 interest rate at this point, but --

15 MAYOR STACK: Susan, -- Sue, can you just
16 step forward. Just if you could just identify
17 yourself for the record.

18 MS. COLDITZ: Susan Colditz, CFO for the
19 City.

20 The interest rates haven't been set yet.
21 We have a preliminary OS and in August it's going
22 out for bid and that's when the interest rates
23 will be struck.

24 MR. MAROTTA: What do you anticipate the
25 approximate interest rate to be?

1 MS. COLDITZ: I don't -- I can't -- I
2 can't; it's a bid, so -- I'm saying maybe about
3 1.9 maybe? Something like that.

4 MR. MAROTTA: Okay.

5 Could you --

6 MS. COLDITZ: Approximately.

7 MR. MAROTTA: Could you tell me --
8 approximately at two percent, could you tell me
9 what the yearly cost to the City would be?

10 MS. COLDITZ: Well the first year it's
11 interest only.

12 MS. DILLON: Just step forward, Ms.
13 Colditz, please.

14 MS. COLDITZ: It's -- the first year it's
15 interest only. Should be approximately I'd say
16 about a million dollars. And the cost to the
17 City is very minute because the Board of Ed will
18 be covering the debt. I -- maybe ten percent of
19 it might be the City's.

20 MR. MAROTTA: And what about after the
21 first year?

22 MS. COLDITZ: It stays like that every
23 single year for 30 years. The City's only
24 responsible for a small portion.

25 MAYOR STACK: It would be fixed.

1 Right?

2 MS. COLDITZ: Yes.

3 MR. MAROTTA: I'm talking --

4 MAYOR STACK: It would be a fixed rate.

5 MR. MAROTTA: -- about --

6 MS. COLDITZ: Yes.

7 MR. MAROTTA: -- you said the first year --

8 MS. COLDITZ: The first year --

9 MR. MAROTTA: -- interest only.

10 MS. COLDITZ: -- is interest only because
11 it's a non-conforming loan.

12 MR. MAROTTA: After the first year --

13 MS. COLDITZ: It will be non-conforming.

14 MR. MAROTTA: -- it was interest and
15 principal.

16 MS. COLDITZ: And principal. That's about
17 two million.

18 MR. MAROTTA: About two million a year.

19 MS. COLDITZ: And it's --

20 MR. MAROTTA: And --

21 MS. COLDITZ: -- only about ten percent for
22 the City.

23 MR. MAROTTA: And --

24 MS. COLDITZ: If that. It might even be
25 lower.

1 MS. DILLON: One at a time please.

2 MR. MAROTTA: I'm sorry.

3 MS. DILLON: Thank you.

4 MR. MAROTTA: And that entire 25 year
5 debt, --

6 MS. COLDITZ: It's about 30 years.

7 MR. MAROTTA: -- with exception -- 90
8 percent of that will be covered by the Board of
9 Education --

10 MS. COLDITZ: It's 90 percent.

11 MR. MAROTTA: -- and not by the City?

12 MS. COLDITZ: Approximately 90 percent.
13 The State will determine that when they do the
14 calculations based on how much of the State aid
15 the Board of Ed will get.

16 MR. MAROTTA: All right. Now, we're an
17 Abbott School District here.

18 MS. COLDITZ: Yes.

19 MR. MAROTTA: Did that -- 90 percent of
20 that debt, will that be covered by the State
21 through the Abbott --

22 MS. COLDITZ: Yes.

23 MR. MAROTTA: -- or will it be --
24 Entirely?

25 MS. COLDITZ: Just -- probably 90 percent.

1 That's just an approximate. I don't have the
2 calculation that the State's going to use. But
3 based on, you know, the prior years when we had
4 the debt before, it was approximately 89.9
5 percent.

6 MR. MAROTTA: Do we have a representation
7 from the State that it will be covered by the
8 State and not a burden on our taxpayer?

9 MS. COLDITZ: It won't be a burden on the
10 taxpayers. The State aid -- it's based on State
11 aid that we get will be coming from the State.

12 MR. MAROTTA: Yeah.

13 MS. COLDITZ: Now I don't -- I don't have
14 anything in writing but I'm sure bond counsel
15 does.

16 MR. MAROTTA: You're sure bond --

17 MS. COLDITZ: They have the whole package.

18 MR. MAROTTA: Could you check with bond
19 counsel --

20 MS. COLDITZ: I can -- I can check.

21 MR. MAROTTA: -- and if you have a copy --

22 MS. COLDITZ: And I'll give you a copy of
23 it.

24 MR. MAROTTA: -- would you get me a copy?

25 MS. COLDITZ: I will.

1 MR. MAROTTA: Thank you very much.

2 MAYOR STACK: Thank you.

3 MS. COLDITZ: Just check back with me and
4 I'll get it for you.

5 MAYOR STACK: Anyone else wishing to
6 comment at this time on any matter concerning
7 municipal government in the City of Union City?

8 Seeing none.

9 COMMISSIONER FERNANDEZ: Mayor, before we
10 proceed?

11 Mayor, I'd like to commend you as Safety
12 Director for the City of Union City. Our Police
13 Department, yesterday we had an event, with
14 thousands and thousands of residents out on the
15 street on Bergenline Avenue without one single
16 incident.

17 And I commend you and the Chief of Police,
18 Richard Molinari, and all the officers that took
19 part yesterday in this event for the tremendous,
20 tremendous work.

21 Thank you very much, Mayor, on behalf --
22 not just the Commissioners but on behalf of the
23 entire community.

24 Thank you.

25 MAYOR STACK: Thank you very much. Thank

1 you, Commissioner.

2 I make a motion.

3 ACTING CITY CLERK: Second?

4 Motion to close the public meeting.

5 It was motioned by Mayor Stack.

6 COMMISSIONER RIVAS: Second.

7 ACTING CITY CLERK: Seconded by?

8 Thank you.

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 FERNANDEZ: Yes.

15 ACTING CITY CLERK: Commissioner

16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20 ACTING CITY CLERK: The next items --

21 Excuse me.

22 The next items on the agenda are Liquor

23 License Disciplinary Hearings.

24 MAYOR STACK: The liquor hearings; Mr.

25 Farmer?

1 This portion of the meeting that we're
2 going to right now is Liquor License Disciplinary
3 Hearings.

4

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

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1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

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3 1. Azucar Club, Inc. t/a Azucar Club, Located
4 at 421 43rd Street, Liquor License No.
5 0910-33-003-007

6 2. El Chapin Corp t/a El Rincon Chapin,
7 Located at 2118 Bergenline Avenue, Liquor License
8 No. 0910-33-075-009

9 3. Dolores Castro t/a Uno Bar, Located at 3607
10 New York Avenue, Liquor License No.
11 0910-33-108-004

12 4. Los Tejares LLC t/a Los Tejares, Located at
13 3901 Bergenline Avenue, Liquor License No.
14 0910-33-038-005

15 5. Plaza Espana, Inc. t/a Plaza Hispana,
16 Located at 2506 Bergenline Avenue, Liquor License
17 No. 0910-33-136-020

18

19 MAYOR STACK: Mr. Farmer?

20 MR. FARMER: Yes.

21 MAYOR STACK: Oh.

22 Are you prepared, Mr. Farmer?

23 Or we could give it a little time? No?

24 You can go right over here; there's a --

25 MR. FARMER: Oh.

1 MAYOR STACK: -- maybe that would be
2 easier.

3 MR. FARMER: Okay. Great.

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

6 MR. FARMER: You have a number of -- five
7 -- there are --

8 Good evening.

9 MAYOR STACK: Good evening, Mr. Farmer.

10 MR. FARMER: There are five matters before
11 you on your calendar this evening. And I'd like
12 to address them.

13 Two, I think, are going off and three I --
14 I'm going to recommend pleas to.

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1 DOLORES CASTRO t/a UNO BAR, Located at 3607 New
2 York Avenue
3 Liquor License No. 0910-33-108-004
4

5 MR. FARMER: The first one here -- and I'm
6 jumping around because he told me had an
7 engagement -- is Uno Bar, which is --

8 MAYOR STACK: Just for the record, --

9 MR. FARMER: Number 3.

10 MAYOR STACK: -- Justin Mercado will be
11 translating for us this evening.

12 And the gentleman --

13
14 (Whereupon, Justin Mercado translated
15 English to Spanish and Spanish to English.)
16

17 MAYOR STACK: We're going to Uno Bar right
18 now, Mr. Farmer?

19 MR. FARMER: Yes, number 3.

20 MAYOR STACK: Okay.

21 MR. FARMER: Now, with respect to this
22 establishment, the charges against him is a paper
23 violation. Historically there have been -- they
24 have been plagued with paper violations.

25 And with this particular one I spoke to the

1 | licensee -- because he came to my office, which
2 | is a practice that I have prior to coming here to
3 | try to get some input from the licensees.

4 | MR. RODRIGUEZ: (In English) Okay.

5 | MR. FARMER: And we have agreed that the
6 | paper violation this time would be a five day
7 | suspension.

8 | MAYOR STACK: And, Justin, just before he
9 | goes any further, if he could just state his
10 | name, who he's representing, and what his role is
11 | with the establishment.

12 | MR. MERCADO: My name is Alberto Rodriguez.
13 | I'm the manager of the Uno Bar.

14 | MAYOR STACK: Does he have an attorney? Or
15 | does he wish to have an attorney present this
16 | evening?

17 | MR. MERCADO: If you're going to apply what
18 | we -- according to what we talk about it, it's
19 | okay.

20 | MAYOR STACK: Okay.

21 | MR. FARMER: Okay.

22 | So I would recommend that.

23 | But there's something I just want to point
24 | out to you is that I think we will be back with
25 | Uno Bar at the time of the renewal of the

1 | licenses. Because -- because the police are
2 | concerned about the true ownership of the bar.

3 | When they ask this gentleman and the
4 | licensee, Miss Castro, the responses are not
5 | satisfactory.

6 | So we may very well be dealing with them in
7 | September at time of renewal.

8 | MR. RODRIGUEZ: (In English) Okay.

9 | MAYOR STACK: Does he understand what the
10 | penalty will be this evening?

11 | MR. MERCADO: Yes, I do, five days.

12 | MAYOR STACK: Okay. And he's in agreement
13 | with that?

14 | MR. MERCADO: Yes, I am.

15 | MAYOR STACK: Okay.

16 | Okay, I'll make a motion to approve a five
17 | day suspension.

18 | Do we have the dates on that?

19 | MR. FARMER: No, I'm going to set them.

20 | MAYOR STACK: Mr. Farmer, preferably this
21 | month, all right, please?

22 | MR. FARMER: Sure.

23 | MAYOR STACK: Okay.

24 | Thank you.

25 | MR. FARMER: What I'll do is I'll have it

1 for the next meeting --

2 MAYOR STACK: That's fine.

3 MR. FARMER: -- and we can start right
4 there.

5 MAYOR STACK: Right.

6 MR. FARMER: Sure.

7 MAYOR STACK: Thank you.

8 MR. MERCADO: He would like to be starting
9 on Sunday.

10 MAYOR STACK: Okay, he'll work that out
11 with Mr. Farmer.

12 MR. FARMER: Yeah.

13 Sunday's a little short. Generally, what
14 I'd like to do and what we normally do is we
15 carry them to the next meeting two weeks later,
16 you enter the resolution, the suspension starts.

17 MR. MERCADO: Doesn't have to be this
18 Sunday; it could be the next one.

19 MAYOR STACK: Okay.

20 MR. FARMER: All right, I'll do it the next
21 Sunday.

22 MAYOR STACK: That's fine.

23 Very good.

24 MR. RODRIGUEZ: (In English) Okay.

25 MAYOR STACK: Thank you, sir.

1 Thank you.

2 MR. FARMER: Azucar Club.

3 MS. DILLON: Wait. Wait.

4 ACTING CITY CLERK: A motion was made by
5 Mayor Stack.

6 MR. FARMER: Oh.

7 COMMISSIONER FERNANDEZ: Second.

8 ACTING CITY CLERK: Is there a second?
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.

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1 **AZUCAR CLUB, INC. t/a AZUCAR CLUB, Located at 421**
2 **416-418 43rd Street**
3 **Liquor License No. 0910-33-003-007**

4

5 ACTING CITY CLERK: Next item?

6 MR. FARMER: Okay.

7 MS. DILLON: Just state what it is, Mr.
8 Farmer.

9 MR. FARMER: Yes. This is number 1, Azucar
10 Club.

11 Counsel can put his appearance in.

12 MR. DIAZ: Luis Diaz on behalf of the
13 licensee, Azucar Club.

14 MR. FARMER: This is -- this is my
15 recommendation to the Board.

16 There are a number of charges. Some paper;
17 a fight, which seems to be somewhat questionable,
18 and a statement from presumably an independent
19 witness who exonerates the bar.

20 There's also a charge of serving an
21 intoxicated person, which is a serious charge.
22 And that is the charge that the licensee's going
23 to plead guilty to and I think it's a significant
24 thing on his record.

25 With respect to the intoxicated person, the

1 | police really they weren't able to establish how
2 | long a person was there and how much he had to --
3 | to drink there.

4 | So I think balancing everything, a ten day
5 | suspension, and on the record that they had
6 | served an intoxicated person, I think is a fair
7 | resolution to the charges against this place.
8 | And as you know, they've had a history and I
9 | think we want to build a record.

10 | MAYOR STACK: Mr. Diaz?

11 | MR. DIAZ: The licensee acknowledges and
12 | accepts responsibility for the event and accepts
13 | the proposed suspension; assure that it will not
14 | happen again.

15 | The person came in; had already been
16 | drinking somewhere else but was not -- had not
17 | signs of intoxication. It seems that inside of
18 | the establishment is when the alcohol that he had
19 | consumed outside exploded, plus whatever he had
20 | in there. And, yes, he was intoxicated. He was
21 | sat down and at the end of the night taken
22 | outside to -- to go home. The police saw him and
23 | he was intoxicated.

24 | And the -- the licensee acknowledges that.

25 | MR. FARMER: Also, one of the charges that

1 we're perhaps dismissing is a noise complaint.
2 And they got tickets they pleaded in the
3 municipal court and received a fine.

4 Generally I'm seeing that when there are
5 noise complaints and they're pleaded in the
6 municipal court, the fines range from anywhere to
7 a hundred and thirty-three dollars --

8 I don't know what makeup is.
9 -- and to 250.

10 So I would just -- giving you that as a
11 point of information.

12 MAYOR STACK: The one thing I can speak to
13 is that the noise has been an issue because I've
14 received calls from neighbors, not so much on
15 43rd, but more on the block on 42nd Street, which
16 is behind that.

17 So if they can keep the windows -- if
18 there's a back door -- just keep that closed
19 because obviously if it's late at night, 12, one
20 o'clock in the morning, things get quieter in the
21 neighborhood, that sound resonates to the block
22 behind it and the houses on Bergenline Avenue.

23 MR. DIAZ: Um-hum.

24 MAYOR STACK: Not as far over as New York
25 Avenue but the houses really behind on 42nd.

1 MR. DIAZ: The problem was back door. That
2 when the owner was not there --

3 MAYOR STACK: Right.

4 MR. DIAZ: -- would be open for some of the
5 patrons to go outside and smoke. Two bad things,
6 the noise and the smoking.

7 MAYOR STACK: Right.

8 MR. DIAZ: I suggested and the licensee has
9 put a bar on that door and an alarm with a big
10 sign, if it's open, an alarm goes off.

11 And since that has been installed, I
12 believe there has not been any --

13 MAYOR STACK: Good.

14 MR. DIAZ: -- any noise complaints.

15 MAYOR STACK: Good.

16 Thank you very much.

17 MR. DIAZ: And I have the bills here for
18 the cost and it seems to be working.

19 MAYOR STACK: Good.

20 What was your recommendation, Mr. Farmer?

21 MR. FARMER: Ten days.

22 MAYOR STACK: Okay, ten day -- ten day
23 suspension.

24 I make a motion to approve.

25 ACTING CITY CLERK: Second?

1 COMMISSIONER FERNANDEZ: Second.

2 ACTING CITY CLERK: 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's recusing.

10 MS. de los RIOS: Recusing.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13 ACTING CITY CLERK: Next item.

14 MR. FARMER: No appeal; no --

15 MAYOR STACK: Thank you very much. Thank

16 you.

17 MR. DIAZ: What was that?

18 MR. FARMER: No appeal; --

19 MR. DIAZ: No.

20 MR. FARMER: -- no --

21 I'll put it in the resolution.

22 MR. DIAZ: Yeah.

23 MR. FARMER: Okay.

24 He'll take care of that.

25 MR. DIAZ: Okay.

1 Have a good night.

2 MAYOR STACK: You, too.

3 Thank you, Mr. Diaz.

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1 **LOS TEJARES LLC t/a LOS TEJARES, Located at 3901**
2 **Bergenline Avenue**
3 **Liquor License No. 0910-33-038-005**

4

5 MR. FARMER: The next one I'd like to deal
6 with is the following one, number 4, Los Tejares.

7 The licensee is here, represented by
8 counsel who can put his appearance on the record.

9 MR. CILLICK: Thank you, Mr. Farmer.

10 Edward Cillick, Cillick and Smith,
11 Hackensack, on behalf of Los Tejares and Campo
12 Rocky (phonetic) who's the principal who's
13 standing to my right.

14 Good evening, Mayor.

15 MAYOR STACK: Good. Good evening.

16 MR. FARMER: This is a situation and I had
17 an opportunity to confer and consult with a
18 representative of the licensee's legal firm and
19 we negotiated a plea.

20 This is a situation where there was a paper
21 violation. I think it was lacking of the deejay
22 on the E-141. It was a minor offense. As we
23 have always done in the past, I told them that
24 they could have -- if they pleaded guilty it
25 would be a three day suspension. They agreed to

1 | that.

2 | I have the three days, which are going to
3 | be the 25th, 26th and 27th.

4 | MR. CILLICK: That's correct.

5 | MR. FARMER: Okay.

6 | Of -- of this month.

7 | MR. CILLICK: August.

8 | MR. FARMER: Of August.

9 | Okay.

10 | MAYOR STACK: And you agree to the terms,
11 | sir?

12 | MR. CILLICK: Yes, Judge.

13 | MAYOR STACK: Okay, great.

14 | MR. CILLICK: Judge -- Mr. Mayor.

15 | And understanding that it can be open for
16 | food; I think that was discussed --

17 | MR. FARMER: Oh, yeah. I told him --

18 | MAYOR STACK: Yes.

19 | MR. FARMER: -- apparently they're a
20 | restaurant.

21 | MAYOR STACK: Great.

22 | I'll make a motion to approve.

23 | ACTING CITY CLERK: Second?

24 | COMMISSIONER RIVAS: Second.

25 | MS. DILLON: Who's the second?

1 COMMISSIONER MARTINETTI: Me. Martinetti.
2 ACTING CITY CLERK: Okay.
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: And Mayor Stack?
13 MAYOR STACK: Yes.
14 ACTING CITY CLERK: Next?
15 MR. CILLICK: Thank you very much everyone.
16 MR. FARMER: Okay.
17 Nice seeing you.
18 ACTING CITY CLERK: Next item.
19 MAYOR STACK: Thank you. Have a good
20 evening.
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22 * * *
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25

1 PLAZA ESPANA, INC. t/a PLAZA HISPANA, Located at
2 2506 Bergenline Avenue
3 Liquor License No. 0910-33-136-020
4

5 MR. FARMER: The next one, Plaza Espana,
6 that's represented by Tony Sarsano; and I've
7 spoken to him. And I am confident that I'm going
8 to work that out.

9 But late today I got a flurry of things
10 from his office; not paperwork but trying to
11 contact me. And then when I called back, he'd
12 gone for the day. And I sense that something had
13 come up personally.

14 MAYOR STACK: Okay.

15 MR. FARMER: So, I'd like to carry that.

16 MAYOR STACK: We'll adjourn it till the
17 next meeting.

18 MR. FARMER: Yes, I'd like that.

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1 EL CHAPIN CORP t/a EL RINCON CHAPIN, Located at
2 2118 Bergenline Avenue
3 Liquor License No. 0910-33-075-009
4

5 MR. FARMER: And the last one is --
6 Is anyone here from El Rincon, 2118
7 Bergenline Avenue? It's a liquor store.

8 I'll have to follow that up because we have
9 served them to be here.

10 MAYOR STACK: Right. That's the liquor --
11 that's the liquor establishment bar/restaurant at
12 2118 Bergenline Avenue.

13 MS. de los RIOS: Yes.

14 MAYOR STACK: Okay.

15 MR. FARMER: All right, I'll follow it up
16 and have it on for the next time.

17 I'll have the police serve them personally.
18 Okay?

19 Thank you.

20 MAYOR STACK: Thank you, Mr. Farmer.

21

22

* * *

23

24 **ADJOURNMENT:**

25

1 ACTING CITY CLERK: There are no other
2 items on the agenda.

3 MAYOR STACK: Nothing further.

4 ACTING CITY CLERK: Can I have a motion to
5 adjourn?

6 COMMISSIONER RIVAS: Motion.

7 COMMISSIONER VALDIVIA: Second.

8 ACTING CITY CLERK: Second?

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 ACTING CITY CLERK: Okay, we're done.

21 MAYOR STACK: Thank you.

22

23 (Whereupon, the proceedings were concluded
24 at 7:28 p.m.)
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 **Erin Knoedler,**

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 Wednesday, August 5, 2015 and digitally
10 recorded.

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25 Monitored by and Proofread by: Deborah Dillon