

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Veterans' Memorial
Elementary School
1401 Central Avenue
Union City, New Jersey

Tuesday, September 15, 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:

DOMINICK CANTATORE, ACTING CITY CLERK

SCARINCI HOLLENBECK
BY: KRYSTLE NOVA, ESQ.
Corporation Counsel

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

ERIN KNOEDLER, Director of Operations

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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, September
4 15, 2015, at seven p.m., at the Veterans'
5 Memorial Elementary School, 1401 Central Avenue,
6 Union City, New Jersey.

7 Everyone please rise for the Pledge of
8 Allegiance.

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

12
13 ACTING CITY CLERK: This meeting has been
14 called in accordance with Chapter 231, Public Law
15 of 1975, the Open Public Meeting Act.

16 Adequate notice of this meeting has been
17 provided as 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 Hudson Reporter, has
22 been posted on bulletin board in City Hall, and
23 has been made available to the public in the
24 office of the Municipal Clerk.

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 ACTING CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Here.

8 ACTING CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Here.

10 ACTING CITY CLERK: Commissioner

11 Martinetti?

12 COMMISSIONER MARTINETTI: Here.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Here.

15

16 **APPROVAL OF PREVIOUS MEETING MINUTES FROM JULY**

17 **14, 2015, JULY 27, 2015, AUGUST 5, 2015 AND**

18 **AUGUST 18, 2015:**

19

20 ACTING CITY CLERK: First item is approval
21 of the minutes of July 14, July 27, August 5th and
22 August 18, 2015.

23 MAYOR STACK: I'll move it.

24 ACTING CITY CLERK: Motion by Mayor Stack.

25 COMMISSIONER VALDIVIA: Second.

1 ACTING CITY CLERK: Second by Commissioner
2 Valdivia.

3 Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: I recuse from the
6 meetings on July 14, 2015 and August 18, 2015;
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: Yes.

15 ACTING CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17

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

19

20 () AN ORDINANCE AMENDING CHAPTER 296 OF THE
21 CODE OF THE CITY OF UNION CITY ENTITLED "PEACE
22 AND GOOD ORDER"

23

24 ACTING CITY CLERK: Next item is Ordinances
25 for Introduction.

1 The Ordinances will be further considered
2 at a meeting of the Board of Commissioners to be
3 held on October 6, 2015, at seven p.m., at the
4 Emerson Middle School, 318 18th Street, Union
5 City, New Jersey.

6 First Ordinance Amending Chapter 296 of the
7 Code of the City of Union City Entitled Peace and
8 Good Order.

9 MAYOR STACK: I'll move it.

10 ACTING CITY CLERK: Motion by Mayor Stack.

11 COMMISSIONER MARTINETTI: Second.

12 ACTING CITY CLERK: Second by Commissioner
13 Martinetti.

14 Roll call.

15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 ACTING CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Commissioner
22 Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 ACTING CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1

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

3

4 () AN ORDINANCE AMENDING CHAPTER 366 OF THE
5 CODE OF THE CITY OF UNION CITY ENTITLED "STREETS
6 AND SIDEWALK"

7

8 ACTING CITY CLERK: Next Ordinance Amending
9 Chapter 366 of the Code of the City of Union City
10 Entitled Streets and Sidewalk.

11 MAYOR STACK: I'll move it.

12 ACTING CITY CLERK: Motion by Mayor Stack.

13 COMMISSIONER VALDIVIA: 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: Commissioner
24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 ACTING CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3

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

5

6 () AN ORDINANCE AMENDING CHAPTER 16 OF THE
7 CODE OF THE CITY OF UNION CITY ENTITLED "VEHICLES
8 AND TRAFFIC"

9

10 ACTING CITY CLERK: Next Ordinance Amending
11 Chapter 16 of the Code of the City of Union City
12 Entitled Vehicles and Traffic.

13 Is there a motion?

14 COMMISSIONER MARTINETTI: Motion.

15 ACTING CITY CLERK: Motion by Commissioner
16 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

8 **CONSENT AGENDA:**

9

10 (1) Resolution Approving the Payment of Claims

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

13 (3) Resolution Approving the City Payroll for
14 the Period of August 22, 2015 through September
15 4, 2015

16 (4) Resolution Approving the Library Payroll
17 for the Period of August 22, 2015 through
18 September 4, 2015

19 (5) Resolution Authorizing the City of Union
20 City to Enter Into a Lease Agreement with 400-38th
21 Street Corp. for the Lease of 400-38th Street,
22 Suite 303

23 (6) Resolution to Award Contract to Tec-Con
24 Contractors, Inc. for the Police Memorial Park
25 and Reconstruction of 11th Street

- 1 (7) Resolution Authorizing the Clerk to
- 2 Advertise Bids for the Lease Renewal of Fabric
- 3 Tension Structures Project
- 4 (8) Resolution Designating Loading Zone at 611
- 5 Palisade Avenue
- 6 (9) Resolution to Approve Bus Stop at the
- 7 Southwest Corner of 6th Street and Palisade Avenue
- 8 (10) Resolution Approving Disciplinary
- 9 Proceedings Against Variedad Latina Restaurant
- 10 Bar t/a Variedad Latina, Inc., Located at 4417
- 11 Bergenline Avenue, Liquor License No.
- 12 0910-33-031-012
- 13 (11) Resolution Approving Disciplinary
- 14 Proceedings Against El Papaturro t/a El
- 15 Papaturro, Located at 1018 Summit Avenue, Liquor
- 16 License No. 0910-33-137-005
- 17 (12) Resolution Approving Disciplinary
- 18 Proceedings Against Tropical Bar & Restaurant t/a
- 19 Wendy C. Diaz, Located at 4100C Bergenline
- 20 Avenue, Liquor License No. 0910-33-060-003
- 21 (13) Resolution Awarding Raffle License to St.
- 22 Rocco Church, Located at 4206 Kennedy Boulevard
- 23 (14) Resolution Awarding Bingo License to St.
- 24 Rocco Church, Located at 4206 Kennedy Boulevard
- 25 (15) Resolution to Appoint Peter C. Doumas to

1 the Zoning Board of Adjustment

2 (16) Resolution Concerning Appointments to the
3 Planning Board (Moving Jeanne Koehler from
4 Alternate Member to Class IV Member Replacing
5 Julio Fernandino (sic))

6 (17) Any other matter of City business that may
7 arise

8

9 ACTING CITY CLERK: Next item's the Consent
10 Agenda. There's 16 items on the Consent Agenda.

11 First item is Resolution Approving the
12 Payment of Claims.

13 Item 2.

14 Resolution Approving the Payments of --
15 Payment of Concurring Claims.

16 Item 3.

17 Resolution Approving the City Payroll for
18 the Period of August 22nd, 2015 through September
19 4th, 2015.

20 Item 4.

21 Resolution Approving the Library Payroll
22 for the Period of August 22nd, 2015 through
23 September 4th, 2015.

24 Item 5.

25 Resolution Authorizing the City of Union

1 City to Enter into a Lease Agreement with 400 38th
2 Street Corporation for the Lease of 400 38th
3 Street, Suite 303.

4 Item 6.

5 Resolution to Award Contract to Tec-Con
6 Contractors, Inc. for the Police Memorial Park
7 and Reconstruction of 11th Street.

8 Item 7.

9 Resolution Authorizing the Clerk to
10 Advertise Bids for the Lease Renewal of Fabric
11 Tension Structures Project.

12 Item 8.

13 Resolution Designating Loading Zone at 611
14 Palisade Avenue.

15 Item 9.

16 Resolution to Approve Bus Stop at the
17 Southwest Corner of 6th Street and Palisade
18 Avenue.

19 Item 10.

20 Resolution Approving Disciplinary
21 Proceeding Against Variedad Latina Restaurant Bar
22 also known as Variedad Latina, Inc., Located at
23 4417 Bergenline Avenue, Liquor License Number
24 0910-33-031-012.

25 Item 11.

1 Resolution Approving Disciplinary
2 Proceedings Against El Papaturro, also known as
3 El Papaturro, Located at 1018 Summit Avenue,
4 Liquor License Number 0910-33-137-005.

5 Item 12.

6 Resolution Approving Disciplinary
7 Proceedings Against Tropical Bar and Restaurant,
8 also known as Wendy C. Diaz, Located at 4100C
9 Bergenline Avenue, Liquor License Number
10 0910-33-060-003.

11 Item 13.

12 Resolution Awarding Raffle License to Saint
13 Rocco Church, Located at 4206 Kennedy Boulevard.

14 Item 14.

15 Resolution Awarding Bingo License to Saint
16 Rocco Church, Located at 4206 Kennedy Boulevard.

17 Item 15.

18 Resolution to Appoint Peter C. Doumas to
19 the Zoning Board of Adjustment.

20 MAYOR STACK: That's as an alternate member
21 or as a full member?

22 ACTING CITY CLERK: It's an alternate.

23 MAYOR STACK: An alternate.

24 ACTING CITY CLERK: Yes, sir.

25 Item 16.

1 Resolution Concerning Appointments to the
2 Planning Board, Moving Jeanne Koehler from
3 Alternate Member to Class IV Member Replacing
4 Julio Fernandini.

5 That's a typo; should be Fernandini.

6 Mayor, do you wish to take --

7 MAYOR STACK: Sure.

8 ACTING CITY CLERK: -- comment from the
9 public on any item on the Consent Agenda?

10 MAYOR STACK: Anyone wishing to comment on
11 the Consent Agenda, please step forward, state
12 your name and address for the record.

13 MR. PRICE: Larry Price, 1006 Palisade.

14 On items 8 and 9, loading zone, which I
15 assume is for the bakery, that's a bus stop in
16 front of the bakery right now. I assume we're
17 moving the bus stop to the next corner and
18 turning it into a loading zone.

19 Is that correct?

20 MAYOR STACK: We're looking -- we're
21 looking at -- yes, it would be a smaller size
22 loading zone in front of the bakery just to
23 alleviate the problems with the bus stop right
24 now. People not being able to get on. It's
25 become a Police problem where we have to send

1 units down there constantly to move cars out of
2 the bus stop; become a major problem for us.

3 MR. PRICE: Oh, I think it's a good idea.

4 The other thing is, you know, a bakery gets
5 a lot of shipments in and right now those semi-
6 trucks stop in the middle of the street.

7 MAYOR STACK: Double-parking, too.

8 MR. PRICE: Double-parking, which is not
9 helpful at, --

10 MAYOR STACK: Not at all.

11 MR. PRICE: -- you know, nine o'clock in
12 the morning. So, to have their own loading zone
13 would alleviate a lot of congestion there.

14 MAYOR STACK: Absolutely.

15 MR. PRICE: Okay.

16 MAYOR STACK: Thank you.

17 Anyone else on the Consent Agenda?

18 Seeing no other.

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

21 MAYOR STACK: Motion.

22 Just before I do, just item number 5 on the
23 Union City to Enter into a Lease Agreement with
24 400 38th Street Corp. to lease the building. That
25 will be used by the Police Department for various

1 functions.

2 The Chief is here this evening in case
3 anyone had any questions.

4 I think it's going to be used more for the
5 Training Division, other aspects of the Police
6 Department. We've tried to consolidate as much
7 as we can as close to Police Headquarters as
8 possible under the Chief's leadership.

9 The Resolution awarding Tec-Con Contractors
10 for Police Memorial Park on 11th and West is
11 something that's -- it's going to be a beautiful
12 project when complete. Construction will be
13 starting probably in the next week or so;
14 demolition of the current park. And we should
15 have that ready for Police Week, hopefully, next
16 year in May.

17 It's going to be a beautiful park with a
18 monument, plus spray equipment. All themed after
19 the Police Department. Teach our young people a
20 respect for the Police and a mutual respect for
21 each other.

22 Special thank you to the Chief and many
23 police officers who have worked on that
24 specifically, Police Officer Chris Scardino.

25 The bus stops we just spoke about. I was

1 going to mention that. We just spoke about the
2 bus stop at 6th and Pal, 7th and Pal, 6th --
3 between 6th and 7th on Pal.

4 And that was basically it.

5 I'll make a motion.

6 ACTING CITY CLERK: Motion by Mayor 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: Yes.

15 ACTING CITY CLERK: Commissioner Mart --
16 Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 ACTING CITY CLERK: Commissioner
19 Martinetti?

20 COMMISSIONER MARTINETTI: I'm recusing for
21 number 15 and any items pertaining to the Code --
22 Construction Code. Sorry.

23 ACTING CITY CLERK: Otherwise, yes to --

24 COMMISSIONER MARTINETTI: Yes to all.

25 ACTING CITY CLERK: Mayor Stack?

1 MAYOR STACK: Yes.

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

4 COMMISSIONER VALDIVIA: Motion.

5 ACTING CITY CLERK: Motion by Commissioner
6 Valdivia.

7 COMMISSIONER FERNANDEZ: Second.

8 ACTING CITY CLERK: Second by Commissioner
9 Fernandez.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes with the
20 exception of number 15, as noted.

21 Aye on the rest.

22 ACTING CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24

25 **REGULAR AGENDA:**

1
2 1. Resolution Approving the Redevelopment
3 Agency Payroll for the Period of August 22, 2015
4 through September 4, 2015

5
6 ACTING CITY CLERK: Next item is the
7 Regular Agenda.

8 First item is Resolution Approving the
9 Redevelopment Agency Payroll for the Period
10 August 22nd, 2015 through September 4th, 2015.

11 Is there --

12 MAYOR STACK: I'll move it.

13 ACTING CITY CLERK: Motion by Mayor Stack.

14 COMMISSIONER RIVAS: And I'll second.

15 ACTING CITY CLERK: Second by Commissioner
16 Rivas.

17 Roll -- roll call.

18 Commissioner Fernandez?

19 Recusing.

20 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 2. Resolution Authorizing Payment of Claim to
8 the Grace Theatre Workshop Inc.

9

10 ACTING CITY CLERK: Next item.

11 Item 2, is Resolution Authorizing Payment
12 of Claim to the Grace Theatre Workshop.

13 COMMISSIONER MARTINETTI: Motion.

14 ACTING CITY CLERK: Motion by Commissioner
15 Martinetti.

16 COMMISSIONER VALDIVIA: Second.

17 ACTING CITY CLERK: Second by Commissioner
18 Valdivia.

19 Roll call.

20 Commissioner Fernandez?

21 Recusing.

22 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 **REGULAR AGENDA:**

8

9 3. Resolution Authorizing Payment of Claim to
10 the Hudson County Improvement Authority

11

12 ACTING CITY CLERK: Item 3.

13 Item 3 is Resolution Authorizing Payment of
14 Claim to the Hudson County Improvement Authority.

15 MAYOR STACK: I'll move it.

16 ACTING CITY CLERK: Motion by Mayor Stack.

17 COMMISSIONER FERNANDEZ: Second.

18 ACTING CITY CLERK: Second by Commissioner
19 Fernandez.

20 Roll call.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 ACTING CITY CLERK: Commissioner Rivas?

24 Recusing.

25 Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 ACTING CITY CLERK: Commissioner

3 Martinetti?

4 Recusing.

5 Mayor Stack?

6 MAYOR STACK: Yes.

7

8 **REGULAR AGENDA:**

9

10 4. Resolution Authorizing Payment of Claim to
11 the Hudson Regional Health Commission

12

13 ACTING CITY CLERK: Item 4.

14 Resolution Authorizing Payment of Claim to
15 the Hudson Regional Health Commission.

16 MAYOR STACK: I'll move it.

17 COMMISSIONER MARTINETTI: Second.

18 ACTING CITY CLERK: Motion by Mayor Stack.

19 Seconded by Commissioner Martinetti.

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

8 **REGULAR AGENDA:**

9

10 5. Resolution to Establish Temporary
11 Appropriations for Fiscal Year 2016 Budget

12

13 ACTING CITY CLERK: Item 5.

14 Resolution to Establish Temporary
15 Appropriations for Fiscal Year 2016 Budget.

16 COMMISSIONER VALDIVIA: Move it.

17 ACTING CITY CLERK: Motion by Commissioner
18 Valdivia.

19 MAYOR STACK: Second.

20 ACTING CITY CLERK: Second by Mayor Stack.

21 Roll call.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes, but just in
24 case, unless there's anything pertaining to the
25 Redevelopment Board or the Grace Theatre or Brown

1 Street; otherwise, yes.

2 ACTING CITY CLERK: Commissioner Rivas?

3 COMMISSIONER RIVAS: Yes.

4 ACTING CITY CLERK: Commissioner Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 ACTING CITY CLERK: Commissioner

7 Martinetti?

8 COMMISSIONER MARTINETTI: With any
9 exceptions or any -- any payments on the Hudson
10 Regional Fire Department or the Construction
11 Code.

12 Aye on the rest.

13 ACTING CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

15

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

17

18 ACTING CITY CLERK: Mayor, do you wish to
19 take public comment on any item on the Regular
20 Agenda at this time?

21 MAYOR STACK: Sure.

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

1 Seeing none.

2 ACTING CITY CLERK: Seeing none.

3 Is there is a motion to close the public
4 comment portion of this meeting?

5 COMMISSIONER MARTINETTI: Motion.

6 MAYOR STACK: Motion.

7 COMMISSIONER MARTINETTI: Motion by
8 Commissioner Martinetti.

9 Second by Mayor Stack.

10 Roll call.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 ACTING CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER FERNANDEZ: Yes.

17 ACTING CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 ACTING CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22

23 * * *

24

25

1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. El Chapin Corp. t/a El Cuscatleco (El
4 Rincon), Located at 2118 Bergenline Avenue,
5 Liquor License No. 0910-33-075-009

6 2. Lee Entertainment t/a Fantasy Night Club,
7 Located at 416-418 43rd Street, Liquor License No.
8 0910-33-072-007

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. Pupusa No. 2 Inc. t/a Pupusa Loca, Located
13 at 4709-11 Bergenline Avenue, Liquor License No.
14 0910-33-174-006

15

16 ACTING CITY CLERK: The next item is Liquor
17 License Disciplinary Proceeding.

18 MAYOR STACK: Mr. Farmer?

19 MR. FARMER: Yes.

20 Mr. Diaz?

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

23 MS. DILLON: Right over here, Mr. Farmer.

24

25

* * *

1 **LEE ENTERTAINMENT t/a FANTASY NIGHT CLUB, Located**
2 **at 416-418 43rd Street**
3 **Liquor License No. 0910-33-072-007**
4

5 MR. FARMER: Okay, Mr. Diaz --

6 Good evening, Mayor and Board members.

7 Mr. Diaz has two on the calendar; we have
8 four all together. He has numbers 2 and 3.

9 One is Fantasy Night Club, which deals
10 with, basically, a paper violation where the
11 Police went in and found two women not on the
12 E-141.

13 Mr. Diaz has indicated there was a E-141
14 form on the -- on the premises; -- wasn't shown
15 to the Police that showed one of the two people
16 listed.

17 We had had a policy of changing from three
18 days generally, to three days per person.

19 I've talked to Mr. Diaz and I suggested,
20 because of this little mix-up and it's more
21 trouble than it's worth, that as far as the three
22 days, we'd make it one three-day suspension but
23 that it would impact on a weekend and it'd be a
24 Wednesday, Thursday and Friday.

25 I think that's a reasonable resolution,

1 | rather than bringing police officers in and
2 | paperwork and things like that.

3 | So, I would recommend -- and I think Mr.
4 | Diaz should put his appearance on the record but
5 | I would recommend that as a solution to the
6 | problem.

7 | MR. DIAZ: Good evening, Board members.

8 | Luis Diaz for the licensee, Fantasy --
9 | trading as Fantasy Night Club.

10 | Yes, we take responsibility for the one
11 | employee that was not on the list. It was a
12 | deejay. We -- the owner thought that deejays
13 | were independent contractors; did not need to be
14 | on the list. But we have been corrected that
15 | they do have to be on the list and we'll follow
16 | that up and we'll take responsibility for that
17 | paper violation.

18 | MR. FARMER: Okay.

19 | MAYOR STACK: Okay.

20 | Thank you.

21 | I'll make a motion to approve.

22 | ACTING CITY CLERK: Motion by Mayor Stack.

23 | COMMISSIONER FERNANDEZ: Second.

24 | ACTING CITY CLERK: Second by Commissioner
25 | Fernandez.

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

7 Martinetti?

8 COMMISSIONER VALDIVIA: Yes.

9 COMMISSIONER MARTINETTI: Recusing.

10 ACTING CITY CLERK: Commissioner

11 Martinetti; recusing.

12 ACTING CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14 MR. FARMER: The next one is number 3, --

15 COMMISSIONER VALDIVIA: You didn't call me.

16 ACTING CITY CLERK: Sorry.

17 COMMISSIONER MARTINETTI: One minute.

18 MR. FARMER: Oh, I'm sorry.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Sorry. I skipped you.

22 MAYOR STACK: Greg, just to clear up any

23 confusion, the one that we just voted on was

24 number 1 or number 2?

25 ACTING CITY CLERK: Number 2.

1 COMMISSIONER MARTINETTI: Number 2.

2 MR. FARMER: Number 2.

3 COMMISSIONER MARTINETTI: Number 2.

4 MAYOR STACK: Number 2. The first one is
5 adjourned.

6 MR. FARMER: No, the first one we're going
7 to get to.

8 MAYOR STACK: Oh, I'm sorry.

9 MR. FARMER: I just took Mr. Diaz --

10 MAYOR STACK: I'm sorry.

11 MR. FARMER: -- because he's got --

12 MAYOR STACK: Okay, I just got confused
13 there.

14 MR. FARMER: -- two that he has to address.
15 He has half the calendar so-to-speak.

16 MAYOR STACK: I got it. I got it.

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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: Number 3 is the infamous Uno
6 Bar.

7 As you may recall, we've had this on a
8 couple times and for one reason or another the
9 licensee doesn't show up saying she either moved,
10 she didn't get the notice, this, that or the
11 other thing.

12 Those times she appeared without an
13 attorney and indeed a couple of times even had
14 the manager appear on her behalf.

15 You may recall that the last time the Board
16 was frustrated about her non-appearance and
17 indicated that they wanted us to personally serve
18 her, as well as serve her with notice by regular
19 and certified mail. We did that.

20 Mr. Diaz is here to tell us why his client
21 is not here and as I understand she's not here is
22 because she's in the hospital.

23 So, as you may recall, this is a bar that
24 we have great doubt as to the real ownership of
25 the tavern. But he tells me she's in the

1 hospital. So, --

2 MAYOR STACK: I'm not doubting -- I'm
3 not --

4 I'm going to give Mr. Diaz a chance to
5 respond. But I'm not doubting that she's sick or
6 anything like that. But there's been a lot of
7 excuses over a long period of time as to why she
8 doesn't show up.

9 I have concerns about who the real owner is
10 of this establishment because I'm hearing a lot
11 of different things. I'm hearing that there
12 could be other bar owners that are involved in
13 the City, past bar owners; it constantly changes.
14 And it's only hearsay but I -- I have major
15 concerns here. Who's involved with this
16 establishment? Who is actually running the day-
17 to-day operation over there?

18 MR. DIAZ: Again, Luis Diaz for the
19 licensee, trading as Uno Bar.

20 If I may bring back my first involvement
21 with this entity. Must have been like a year and
22 a half ago I was present at the -- at the
23 meeting. There was a situation where the owner
24 had a situation before the Board. I don't
25 remember exactly what it was. There was problems

1 communication-wise.

2 I stood up and I offer my -- my services.
3 Pro bono; no -- no charge or anything in
4 compensation.

5 Since that time the lady has been to my --
6 the only two individuals that have been to my
7 office from Uno Bar are the manager and the lady.

8 MAYOR STACK: Who is the manager, Mr. Diaz,
9 if I may ask?

10 MR. DIAZ: Excuse me?

11 MAYOR STACK: Who is the manager?

12 MR. DIAZ: The manager is -- again, -- and
13 I apologize for not having the names, it just
14 that I have seen them very seldom.

15 MAYOR STACK: And I think you know, -- not
16 to interrupt you -- but I think you know, the
17 Board was more than --

18 MR. DIAZ: Alberto.

19 MAYOR STACK: -- the Board --

20 MR. DIAZ: Alberto Rodriguez.

21 MAYOR STACK: I'm sorry?

22 MR. DIAZ: Alberto Rodriguez.

23 MAYOR STACK: The Board was more than
24 lenient, in lack of a better term, in extending a
25 courtesy to her to come back with representation.

1 I was even concerned because she wasn't
2 represented at the time.

3 Then she came back after that I think, --
4 Greg, --

5 MR. FARMER: Yes.

6 MAYOR STACK: -- am I correct?

7 MR. FARMER: Yes.

8 MAYOR STACK: -- I don't want to say
9 something that's not a fact but I believe she
10 came back then by herself again.

11 And I'm not saying that she's doing this
12 but if she is it's a pretty good deal when you
13 can extend over a long period of time -- keep on
14 coming back with excuses saying I'm represented
15 by one person, then I'm not represented by them,
16 and extending a long period of time when a lot of
17 people tell me from the community that she
18 doesn't run this establishment. That there's a
19 lot of other people in there.

20 MR. DIAZ: Mayor, I really don't have -- no
21 knowledge as to that. I've never been in the
22 establishment, obviously.

23 But the only two persons that I have seen
24 and I would say about three or four times since
25 that event, which is about a year and a half, --

1 MAYOR STACK: Right.

2 MR. DIAZ: -- at least two years ago, have
3 been the two of them.

4 The beginning of the summer they came in,
5 the two of them. I think there was an offer to
6 purchase the establishment on the table. I
7 advised them that it was a good offer. And then
8 for some reason they never came back.

9 Just a few days ago Mr. Rodriguez came. I
10 think had been served with some violations. And
11 -- and I took the paperwork. He called -- I
12 think I sent a letter in to your office, --

13 MR. FARMER: Representing --

14 MR. DIAZ: -- Mr. Farmer, --

15 MR. FARMER: -- yes, you did.

16 MR. DIAZ: -- right?

17 Right. Right. I did.

18 And when Mr. Farmer got that letter he
19 called me; he said there was a hearing today and
20 that if I could find out if she was going to be
21 here.

22 I call Mr. Rodriguez and he advise me that
23 she was over at Christ Hospital --

24 MAYOR STACK: Okay.

25 MR. DIAZ: -- and that's the information

1 that I have.

2 MAYOR STACK: Okay.

3 So, we'll -- we'll put this on for when,
4 Greg?

5 MR. FARMER: Let's put it on, if we could,
6 for the next meeting -- first meeting in October
7 with this direction, that she's either going to
8 be in the hospital or not in the hospital. And
9 if she's in the hospital, she's got to produce
10 something with some degree of authenticity that
11 she is in the hospital. If she's not in the
12 hospital, we're going to proceed with the charges
13 that are outstanding against her and I'm going to
14 recommend a substantial suspension. Only because
15 we've not gotten any information, despite
16 numerous requests, so we've got to bring it to an
17 end some time or another --

18 MAYOR STACK: Okay.

19 MR. FARMER: -- and that's what I would --

20 MAYOR STACK: Okay.

21 MR. FARMER: -- ask to have done.

22 Okay? So we'll carry that?

23 MAYOR STACK: That's fine.

24 MR. FARMER: Okay.

25 MR. DIAZ: Okay.

1 MAYOR STACK: October 6th at Emerson Middle
2 School.

3 MR. DIAZ: Very good.

4 Thank you.

5 MAYOR STACK: Thank you very much, Mr.
6 Diaz.

7 MR. FARMER: All right, I'll talk to you.

8 MR. DIAZ: Okay.

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

5 MR. FARMER: Going back to number 1. Going
6 back to number 1. This is El Chapin.

7 This is a situation where the Police again
8 went in and found three people; gave two
9 summonses in municipal court. Both people came
10 in and pleaded guilty to them.

11 And I've negotiated a recommendation. One
12 person didn't show up and there's kind of like a
13 warrant for that person's arrest.

14 I would recommend a seven day suspension on
15 this. There were two people, perhaps three, who
16 were not on the E-141. For the two people who
17 pleaded guilty, three days and add one for the
18 whole week concerning the people -- the person
19 who fled. And I would recommend that -- that.

20 So it would be a week. And I think it --
21 they picked the week of October 19th to the 25th.

22 MR. ALUM: For the record, Luis Alum, on
23 behalf of the licensee.

24 Yes, that would be October 19th, which
25 would be a Monday, to the 25th, which is a Sunday.

1 And Mr. Chicas is standing to my left, who
2 is the principal of El Rincon Chapin.

3 MAYOR STACK: Okay. I'll make a motion to
4 approve --

5 ACTING CITY CLERK: Motion by Mayor Stack.

6 MAYOR STACK: -- seven day suspension.

7 MR. FARMER: Yes.

8 ACTING CITY CLERK: And second?

9 COMMISSIONER MARTINETTI: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Martinetti.

12 Roll call.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 ACTING CITY CLERK: Commissioner Rivas?

16 COMMISSIONER RIVAS: Yes.

17 ACTING CITY CLERK: Commissioner Valdivia?

18 COMMISSIONER VALDIVIA: Yes.

19 ACTING CITY CLERK: Commissioner
20 Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 ACTING CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24 MR. FARMER: Okay.

25 Now, we'll move --

1 Thank you, Luis.

2 MR. ALUM: Thank you.

3 Okay, good night.

4 MAYOR STACK: Thank you very much.

5 MR. ALUM: All right.

6 MAYOR STACK: Good night now. Good night.

7 MR. FARMER: Let me talk to you --

8 A VOICE: Have a good night.

9 MR. FARMER: -- just before you leave.

10 MAYOR STACK: Good night.

11 COMMISSIONER MARTINETTI: Goodbye.

12 MR. FARMER: I'll be five minutes here.

13 MR. ALUM: Yeah. Yeah.

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1 PUPUSA NO. 2 INC. t/a PUPUSA LOCA, Located at
2 4709-11 Bergenline Avenue
3 Liquor License No. 0910-33-174-006
4

5 MR. FARMER: The -- the last one is Pupusa
6 No. 2.

7 This is again a paper violation where two
8 people were not on the E-141s. Got municipal
9 court summonses; both wound up pleading guilty.

10 There was a second episode where the Police
11 came on a different day, dealt with some kind of
12 verbal dispute that a patron was upset at the
13 choice of music the deejay the was playing that
14 night and it seemed to be, depending on whose
15 version you look at, that there was a punch
16 thrown. And the woman then reported it to the
17 Police, the Police went there; everybody said
18 that no punches were thrown, it was just an
19 argument over the type of music that was being
20 played.

21 Thereafter the woman indicated that she
22 didn't want to press charges. There was no
23 injury, no this, that or the other thing.

24 However, there were two people who were
25 there who were supposed to be on the E-141s. And

1 I had a conversation with the licensees who are
2 here at my office and I told them that it's a
3 policy of three days. And with the other part of
4 it, with the -- was a violation that they didn't
5 have their 12 page application.

6 They have shown me the fact that they did
7 have the 12 page application. The
8 misinterpretation by the police officer was that
9 he saw it in late August and was unaware that the
10 State ABC has extended the time of renewal past
11 June 30th to September 18th. And the police
12 officer was unaware of that.

13 So what he really was looking at was a
14 valid license but it expired or indicated or he
15 knew or felt or understood that the licensees
16 expire on the 30th and it just so happens this
17 year, because the State is converting into
18 computers and people are renewing online, that
19 they extended it to September 18th.

20 So we've worked out a situation where they
21 would plead guilty and they would get a seven day
22 suspension -- one week.

23 Right?

24 MR. ARIAS: Right.

25 MR. MARTINEZ: Yes.

1 MR. FARMER: Okay.

2 Identify --

3 MS. DILLON: Your name for the record?

4 MR. FARMER: -- who you are.

5 MR. ARIAS: My name Victor Arias.

6 MS. DILLON: Spell your last name.

7 MR. ARIAS: V like victory, --

8 Oh, the last name?

9 MS. DILLON: Yes.

10 MR. ARIAS: A-R-I-A-S.

11 MS. DILLON: I'm sorry?

12 MR. ARIAS: A-R-I-A-S.

13 MS. DILLON: Okay.

14 Thank you.

15 MR. FARMER: And the gentleman alongside of

16 you is the licensee or a manager?

17 MR. ARIAS: Yes.

18 MR. MARTINEZ: Wilfredo Martinez.

19 MAYOR STACK: Mr. Arias, do you agree --

20 what Mr. Farmer said, do you agree to the

21 suspension?

22 MR. ARIAS: We agree.

23 MAYOR STACK: Okay.

24 MR. ARIAS: Yeah. We agree.

25 MAYOR STACK: And you don't wish to be

1 represented by an attorney?

2 MR. ARIAS: Yeah, we know but we -- we
3 agree with -- we plead guilty because in this
4 moment we no renew the license; we forgot to
5 renew the license.

6 Also, they -- they have problem with the
7 machine -- Ocasio told me they have problem with
8 the machine. They said take a little longer for
9 --

10 MAYOR STACK: Right.

11 And you understand you could have a lawyer
12 here if you would like but --

13 MR. ARIAS: Yeah, I will understand.
14 But we agree.

15 MAYOR STACK: You decided not to have a
16 lawyer and do this yourself?

17 MR. ARIAS: Yes, yes, --

18 MAYOR STACK: Okay, I make a motion to
19 approve.

20 ACTING CITY CLERK: Motion --

21 COMMISSIONER MARTINETTI: Second.

22 ACTING CITY CLERK: -- by Mayor Stack.

23 Second by Commissioner Martinetti.

24 Roll call.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Yes.

2 ACTING CITY CLERK: Commissioner Rivas?

3 COMMISSIONER RIVAS: Yes.

4 ACTING CITY CLERK: Commissioner Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 ACTING CITY CLERK: Commissioner

7 Martinetti?

8 COMMISSIONER MARTINETTI: Yes.

9 ACTING CITY CLERK: Mayor Stack?

10 MAYOR STACK: Yes.

11 MR. FARMER: Okay. That's it.

12 Thank you.

13 MAYOR STACK: Thank you --

14 COMMISSIONER MARTINETTI: Thank you.

15 MAYOR STACK: -- very much, Mr. Farmer.

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19 **ADJOURNMENT:**

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21 ACTING CITY CLERK: Mayor, there are no

22 other items on the agenda.

23 Is there a motion to adjourn?

24 COMMISSIONER MARTINETTI Motion.

25 ACTING CITY CLERK: Motion by Commissioner

1 Martinetti.

2 COMMISSIONER RIVAS: Second.

3 ACTING CITY CLERK: Second by Commissioner
4 Rivas.

5 All in favor?

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

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9 (Whereupon, the proceedings were concluded
10 at 7:26 p.m.)

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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**

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Attest:

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Dominick Cantatore,

10

Acting City Clerk

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

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5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Tuesday, September 15, 2015 and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon