

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

REGULAR MEETING :  
: TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:

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Robert Waters Elementary School  
2800 Summit Avenue  
Union City, New Jersey  
Tuesday, December 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
- SUSAN COLDITZ, Chief Financial Officer
- DANIEL SANABRIA-MORALES, Interpreter

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

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t/a Fantasy Night Club

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LUIS A. ALUM, ESQ.,  
Attorney for El Chapin Corp.  
t/a El Rincon Chapin (El Cuscatleco)

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Attorney for El Munequito Corp.  
t/a El Miguelino

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El Munequito Corp. t/a El Miguelino

2103 Summit Avenue

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1           ACTING CITY CLERK: Attention, please.

2           This is a Regular Public Meeting of the  
3 Union City Board of Commissioner being held on  
4 Tuesday, December 15, 2015, at seven p.m., at the  
5 Robert Waters Elementary School, 2800 Summit  
6 Avenue, 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 1975, the Open Public Meeting Act.

16           Adequate -- adequate notice of this meeting  
17 has been provided as follows:

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

25

**ROLL CALL:**

ACTING CITY CLERK: Roll call.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Here.

ACTING CITY CLERK: Commissioner Rivas?

COMMISSIONER RIVAS: Here.

ACTING CITY CLERK: Commissioner Valdivia?

COMMISSIONER VALDIVIA: Here.

ACTING CITY CLERK: Commissioner  
Martinetti?

COMMISSIONER MARTINETTI: Here.

ACTING CITY CLERK: Mayor Stack?

MAYOR STACK: Here.

**COMMUNICATION:**

ACTING CITY CLERK: First item, there's a  
presentation of special recognition to Speedy  
Guareno.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Mayor,  
Commissioner, City Clerk, and members of the  
public, if we can have Mr. Speedy Guareno please  
come forward?

1           The City of Union City would like -- like  
2 to honor Mr. Guareno for -- he graduated from  
3 Christopher Columbus School and Edison High  
4 School. He went to serve the National Guard, in  
5 the reserves. He was honored by President Obama  
6 and Nancy Pelosi for his military career.

7           And the City of Union City, Mayor Brian P.  
8 Stack, and the Board of Commissioners would like  
9 to present to Mr. Guareno the key to the city.

10           Mayor?

11           MAYOR STACK: Sure.

12           Just before I do, I would just like to, on  
13 behalf of the Commissioners and myself, just  
14 thank Speedy for his dedication, his commitment  
15 to not only our City, but our country.

16           And thank him and his family for being here  
17 tonight.

18           Thank you for being a resident of the City  
19 of Union City.

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

22           (Applause.)

23           MAYOR STACK: I asked him if he wanted to  
24 speak, he said no.

25           ACTING CITY CLERK: Right here. Would you

1 | like to say some words? Raise the microphone.

2 |       MAYOR STACK: Sure.

3 |       MR. GUARENO: Just the honor is all mine,  
4 | to be honest. It's a pleasure to represent my  
5 | city and my county, wherever I go.

6 |       And it's just -- it's a true honor to be  
7 | able to -- to be able to help other people from  
8 | the things that -- the experiences that I had in  
9 | my past, pretty much.

10 |       MAYOR STACK: Thank you.

11 |       COMMISSIONER VALDIVIA: Congratulations.

12 |       MAYOR STACK: Thank you again.

13 |       MR. GUARENO: Thanks.

14 |       MAYOR STACK: Congratulations.

15 |       (Applause.)

16 |

17 | **APPROVAL OF PREVIOUS MEETING MINUTES FROM**  
18 | **NOVEMBER 4, 2015:**

19 |

20 |       ACTING CITY CLERK: The next item is  
21 | approval of previous meeting minutes of November  
22 | 4<sup>th</sup>, 2015, be approved and recorded.

23 |       Do I have a motion to approve?

24 |       MAYOR STACK: Motion.

25 |       ACTING CITY CLERK: Motion by Mayor Stack.

1 COMMISSIONER RIVAS: Second.

2 ACTING CITY CLERK: Second by Commissioner

3 -- Commissioner Rivas.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Rivas?

8 COMMISSIONER RIVAS: Yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner

12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16

17 **ORDINANCE(S) FOR HEARING AND ADOPTION**

18 **CONSIDERATION:**

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 an  
25 Ordinance for Hearing and Adoption Consideration.

1 First Ordinance is Amending Chapter 296 of  
2 the Code of the City of Union City, Entitled  
3 Peace and Good Order.

4 MS. NOVA: Mayor, this Ordinance is  
5 prohibition on the short term vacation rentals in  
6 residential properties throughout the City.

7 MAYOR STACK: Sure. What this Ordinance  
8 will address is that you're having in communities  
9 where people are renting out rooms in their  
10 apartment, and it's destroying the community,  
11 it's called Airbnb. And that's something we  
12 don't want in Union City. We want to build a  
13 sense of community, not where we lose control of  
14 who's renting what apartment in the community.

15 I think it's better for policing-wise. I  
16 think it's better for the community. It's better  
17 overall for our children and the entire  
18 community.

19 Anyone wishing to comment on this Ordinance  
20 at this time, please step forward. State your  
21 name and address for the record.

22 Seeing none.

23 ACTING CITY CLERK: Is there a motion --

24 COMMISSIONER VALDIVIA: Motion.

25 ACTING CITY CLERK: -- to close public

1 hearing?

2 Motion by --

3 COMMISSIONER MARTINETTI: Second.

4 ACTING CITY CLERK: -- Commissioner  
5 Valdivia.

6 Second by Commissioner Martinetti.

7 Roll call.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 ACTING CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 ACTING CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 ACTING CITY CLERK: Commissioner  
15 Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 ACTING CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19 ACTING CITY CLERK: Is there a motion to  
20 adopt this Ordinance, Chapter 296 of the Code of  
21 the City of Union City Entitled Peace and Good  
22 Order?

23 COMMISSIONER VALDIVIA: Motion.

24 COMMISSIONER MARTINETTI: Motion to adopt.

25 ACTING CITY CLERK: Motion by Commissioner

1 Martinetti.

2 COMMISSIONER VALDIVIA: Second.

3 ACTING CITY CLERK: Second by Commissioner  
4 Valdivia.

5 Roll call.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: 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 HEARING AND ADOPTION**

19 **CONSIDERATION:**

20

21 () An Ordinance Amending Traffic Chapter XVI  
22 of the Code of the City of Union City

23

24 ACTING CITY CLERK: Next Ordinance Amending  
25 Chapter XVI of the Code of the City of Union

1 City.

2 MS. NOVA: Mayor and Commissioners, this  
3 Ordinance is banning no right turn on red at 38<sup>th</sup>  
4 Street and John F. Kennedy Boulevard, when  
5 driving eastbound.

6 MAYOR STACK: The Police Department, on a  
7 recommendation, the Police Department, Lieutenant  
8 Loaces is here with us also this evening, and  
9 Sergeant Dunlay, on 38<sup>th</sup> Street, when cars are  
10 coming up from Bergen Turnpike, coming east, just  
11 it prohibits them from making a right hand turn  
12 on red at 38<sup>th</sup> and Kennedy.

13 It's a very dangerous intersection.  
14 Sometimes, there's vehicles that go faster than  
15 what they should, and we're just trying to  
16 prevent further accidents at this location.

17 Anyone wishing to comment on this Ordinance  
18 at this time, please step forward. State your  
19 name and address for the record.

20 Seeing none.

21 ACTING CITY CLERK: Is there a motion to  
22 close public hearing for this Ordinance?

23 COMMISSIONER RIVAS: Motion.

24 ACTING CITY CLERK: Motion by Commissioner  
25 Rivas.

1 COMMISSIONER MARTINETTI: Second.

2 ACTING CITY CLERK: Second by Commissioner

3 Martinetti.

4 Roll call.

5 Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Yes.

7 ACTING CITY CLERK: Commissioner Rivas?

8 COMMISSIONER RIVAS: Yes.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 ACTING CITY CLERK: Commissioner

12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 ACTING CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16 ACTING CITY CLERK: Is there a motion to

17 adopt an Ordinance Amending Traffic Chapter XVI

18 of the Code of the City of Union City?

19 COMMISSIONER FERNANDEZ: Motion.

20 ACTING CITY CLERK: Motion by Commissioner

21 --

22 COMMISSIONER VALDIVIA: Second.

23 ACTING CITY CLERK: -- Fernandez.

24 Second by Commissioner Valdivia.

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

13 **ORDINANCE (S) FOR HEARING AND ADOPTION**

14 **CONSIDERATION:**

15

16 () An Ordinance Amending Chapter 223 "Land  
17 Development" and Chapter 366 "Streets and  
18 Sidewalks" of the Code of the City of Union City

19

20 ACTING CITY CLERK: Next Ordinance,  
21 Amending Chapter 223, Land Development, and  
22 Chapter 366, Street and Sidewalk, of the Code of  
23 the City of Union City.

24 MS. NOVA: Mayor and Commissioners, this  
25 Ordinance is to prohibit the construction,

1 placement or relocation of utility boxes or  
2 meters from the utility companies on any  
3 structure adjacent to the street or roadway.

4 MAYOR STACK: This would just stop PSE&G or  
5 -- not so much the water company, but more Public  
6 Service Electric and Gas, from putting meters on  
7 the front of the building.

8 It ruins the aesthetics of the  
9 neighborhood. It destroys the façade of the  
10 building.

11 That's all this would do.

12 Anyone wishing to comment on this Ordinance  
13 at this time, please step forward. State your  
14 name and address for the record.

15 Seeing none.

16 ACTING CITY CLERK: Is there a motion to  
17 close public hearing?

18 COMMISSIONER VALDIVIA: Motion.

19 ACTING CITY CLERK: Motion by Commissioner  
20 Valdivia.

21 Second?

22 COMMISSIONER FERNANDEZ: Second.

23 ACTING CITY CLERK: Second by Commissioner  
24 Fernandez.

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; recusing.

9 Mayor Stack?

10 MAYOR STACK: Yes.

11 ACTING CITY CLERK: Is there a motion to

12 adopt?

13 COMMISSIONER VALDIVIA: Motion.

14 COMMISSIONER FERNANDEZ: Second.

15 ACTING CITY CLERK: Motion by Commissioner

16 Valdivia.

17 COMMISSIONER FERNANDEZ: Yes.

18 COMMISSIONER RIVAS: Second.

19 ACTING CITY CLERK: Second by Commissioner

20 Rivas.

21 Roll call.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes.

24 ACTING CITY CLERK: Commissioner Rivas?

25 COMMISSIONER RIVAS: Yes.

1           ACTING CITY CLERK: Commissioner Valdivia?

2           COMMISSIONER VALDIVIA: Yes.

3           ACTING CITY CLERK: Commissioner  
4 Martinetti; recusing.

5           Mayor Stack?

6           MAYOR STACK: Yes.

7

8           **ORDINANCE(S) FOR HEARING AND ADOPTION**

9           **CONSIDERATION:**

10

11           () An Ordinance Amending Chapter 16 of the  
12 Code of the City of Union City Entitled "Vehicles  
13 and Traffic"

14

15           ACTING CITY CLERK: Next Ordinance Amending  
16 Chapter 16 of the Code of the City of Union City,  
17 Entitled Vehicles and Traffic.

18           MS. NOVA: Mayor and Commissioners, this  
19 Ordinance is to prohibit the parking of  
20 commercial vehicles in the City from -- on Monday  
21 through Friday, from six p.m. to 8:30 a.m.;  
22 Saturdays from 2:30 p.m. to 9:30 a.m.; and on  
23 Sundays it would be prohibited the entire time.

24           MAYOR STACK: Once again, this is just  
25 looking -- we're looking to have more parking for

1 people when they get home from work. No  
2 commercial vehicle parking in the overnight on  
3 the streets of the community.

4 Anyone wishing to comment on this Ordinance  
5 at this time, please step forward. State your  
6 name and address for the record.

7 Mr. Price?

8 MR. PRICE: Larry Price, 1006 Palisade.

9 Just one question.

10 The -- the requirement, particularly,  
11 Monday through Friday, is from 8:30 in the  
12 morning.

13 That -- you know, in other words, they  
14 would be allowed to park until 8:30 in the  
15 morning.

16 That's kind of rush hour. Do we want to  
17 consider moving it, perhaps, a little earlier?

18 MS. NOVA: The reason why we chose these  
19 times was because it coincides with Construction  
20 Ordinance --

21 MR. PRICE: Oh.

22 MS. NOVA: -- that we have right now. So,  
23 they wouldn't be allowed to be doing construction  
24 anyway. So, that's why we have it during those  
25 time periods.

1 MR. PRICE: Okay. Okay.

2 MAYOR STACK: Thank you, Krystle.

3 Anyone else wishing to comment on this  
4 Ordinance at this time?

5 Seeing no other.

6 ACTING CITY CLERK: Is there a motion to  
7 close the public hearing on this Ordinance?

8 COMMISSIONER VALDIVIA: Motion.

9 ACTING CITY CLERK: Motion by Commissioner  
10 Valdivia.

11 COMMISSIONER FERNANDEZ: Second.

12 ACTING CITY CLERK: Second by Commissioner  
13 Fernandez.

14 Roll call.

15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 ACTING CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 ACTING CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 ACTING CITY CLERK: Commissioner  
22 Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 ACTING CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1           ACTING CITY CLERK: Is there a motion to  
2 adopt an Ordinance Amending Chapter 16 of the  
3 Code of --

4           COMMISSIONER VALDIVIA: Motion.

5           ACTING CITY CLERK: -- the City of Union  
6 City, Entitled Vehicles and Traffic?

7           Motion by Commissioner Valdivia.

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 **ORDINANCE (S) FOR HEARING AND ADOPTION**

25 **CONSIDERATION:**

1  
2       ()     An Ordinance Amending Chapter 223 "Land  
3 Development Section 12 of the Code of Union City  
4 Entitled "Construction Requirements"

5  
6            ACTING CITY CLERK:   Next Ordinance,  
7 Amending Chapter 223, Land Development, Section  
8 12 of the Code of City Entitled Construction  
9 Requirements.

10           MS. NOVA:   Mayor and Commissioners, this  
11 Ordinance is to amend the current Ordinance,  
12 which prohibits certain materials on the building  
13 façade, only for new construction.   So, it would  
14 be thin brick, tile, synthetic stucco and  
15 HardiePlank, or any similar material.

16           MAYOR STACK:   And this is on the  
17 recommendation of the Construction Code Official?

18           MS. NOVA:   That's correct.

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

21           Seeing none.

22           ACTING CITY CLERK:   Is there a motion to  
23 close the public hearing --

24           MAYOR STACK:   Motion.

25           COMMISSIONER RIVAS:   Motion.

1           ACTING CITY CLERK:  -- on this Ordinance?  
2           Motion by Mayor Stack.  
3           COMMISSIONER RIVAS:  Second.  
4           ACTING CITY CLERK:  Second by Commissioner  
5 Rivas.  
6           Roll call.  
7           Commissioner Fernandez?  
8           COMMISSIONER FERNANDEZ:  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; recusing.  
15          Mayor Stack?  
16          MAYOR STACK:  Yes.  
17          ACTING CITY CLERK:  Is there a motion to  
18 adopt?  
19          COMMISSIONER VALDIVIA:  Motion.  
20          MAYOR STACK:  Motion.  
21          ACTING CITY CLERK:  Motion by Commissioner  
22 Valdivia.  
23          Second by Mayor Stack.  
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; recusing.

8 Mayor Stack?

9 MAYOR STACK: Yes.

10

11 **ORDINANCE (S) FOR HEARING AND ADOPTION**

12 **CONSIDERATION:**

13

14 () An Ordinance Amending Chapter 223 of the  
15 Code of Union City Entitled "Land Development"

16

17 ACTING CITY CLERK: Next Ordinance,  
18 Amending Chapter 223 of the Code of City of Union  
19 City, Entitled Land Development.

20 MS. NOVA: Mayor and Commissioners, this  
21 Ordinance is to require the installation of a  
22 permanent standby generators in residential  
23 properties with five or more stories, or 20 or  
24 more units.

25 The generators would have to be located

1 within the structure.

2 MAYOR STACK: Once again, this is just to  
3 protect the residents living in these structures.

4 Anyone wishing to comment on this  
5 Ordinance, please step forward.

6 MS. NOVA: Oh, and one other thing. It's  
7 only on new construction, of course.

8 MAYOR STACK: Anyone wishing to comment at  
9 this time?

10 Seeing no other.

11 ACTING CITY CLERK: Is there a motion to  
12 close the public hearing on this Ordinance?

13 MAYOR STACK: Motion.

14 ACTING CITY CLERK: Motion by Mayor Stack.

15 COMMISSIONER RIVAS: Second.

16 ACTING CITY CLERK: Second by Commissioner  
17 Rivas.

18 Roll call.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes.

21 ACTING CITY CLERK: Commissioner Rivas?

22 COMMISSIONER RIVAS: Yes.

23 ACTING CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 ACTING CITY CLERK: Commissioner

1 Martinetti; recusing.

2 Mayor Stack?

3 MAYOR STACK: Yes.

4 ACTING CITY CLERK: Is there a motion to

5 adopt --

6 COMMISSIONER VALDIVIA: Motion.

7 ACTING CITY CLERK: -- an Ordinance

8 Amending Chapter 223 of the Code of City of Union

9 City, Entitled Land Development?

10 Motion by Commissioner Valdivia.

11 COMMISSIONER RIVAS: Second.

12 ACTING CITY CLERK: Second by Commissioner

13 Rivas.

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; recusing.

23 Mayor Stack?

24 MAYOR STACK: Yes.

25

**1      CONSENT AGENDA:**

2

3      ( 1) Resolution Approving the Payment of Claims

4      ( 2) Resolution Approving the Payment of

5      Concurring Claims

6      ( 3) Resolution Approving the City Payroll for

7      the Period of November 28, 2015 through December

8      1, 2015

9      ( 4) Resolution Approving the Library Payroll

10      for the Period of November 28, 2015 through

11      December 11, 2015

12      ( 5) Resolution Approving State Contract #A81422

13      with General Recreation Inc. for Duarte Park Turf

14      Repairs

15      ( 6) Resolution Approving State Contract #79926

16      with Suburban Propane for Supply of Propane for

17      DPW Facility

18      ( 7) Resolution Approving Emergency Contract for

19      Installation of a Salt Storage Structure with

20      Freespan Structures Inc.

21      ( 8) Resolution Approving State Contract #A40199

22      with Oceanport LLC for Purchase of Road Salt

23      ( 9) Resolution Rejecting Bid for Test (sic)

24      Structures and Authorize Temporary Lease of Tent

25      Structures and Re-Bid for Lease of Tent

- 1 Structures for the DPW Equipment Storage
- 2 (10) Resolution Approving Settlement with
- 3 Angelica Lugo Claim Petition No. 2010-11313
- 4 (11) Resolution Authorizing Submission of a
- 5 Strategic Plan for the Union City Municipal
- 6 Alliance Grant Pursuant to the Governor's Council
- 7 on Alcoholism and Drug Abuse Fiscal Grant Cycle
- 8 (July 1, 2016 to June 30, 2017)
- 9 (12) Resolution Approving the Renewal of the
- 10 Armando Diaz, Pocket, Liquor License No. 0910-43-
- 11 131-002
- 12 (13) Resolution Authorizing the Refund of
- 13 Redemption Monies to Outside Lienholders
- 14 (14) Resolution Authorizing the Refund of
- 15 Premium Monies Collected at the Tax Sale
- 16 (15) Resolution Authorizing the Refund of a
- 17 Duplicate Payment Made on Block 217, Lot 3 C0403
- 18 Also Known as 140 36 Street
- 19 (16) Resolution Authorizing the Refund of an
- 20 Overbill for 2015 Taxes on Block 212, Lot 4 Also
- 21 Known as 140 35 Street Condominiums (6)
- 22 (17) Resolution Authorizing the Refund of a
- 23 Duplicate Payment Made on Block 22, Lot 1.01
- 24 C0815 Also Known as 500 Central Avenue
- 25 (18) Any other matter of City business that may

1 arise

2

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

5 Item 1 is Resolution Approving the Payment  
6 of Claims.

7 Item 2.

8 Resolution Approving the Payment of  
9 Concurring Claims.

10 Item 3.

11 Resolution Approving the City Payroll,  
12 Period of November 28, 2015 through December 11,  
13 2015.

14 Item 4.

15 Resolution Approving the Library Payroll  
16 for the Period November 28, 2015 through December  
17 11, 2015.

18 Item 5.

19 Resolution Approving State Contract Number  
20 A81422 with General Recreation, Inc. for Duarte  
21 Park Turf Repairs.

22 Item 6.

23 Resolution Approving State Contract Number  
24 79926 with Suburban Propane for Supply of Propane  
25 for DPW Facility.

1           Item 7.

2           Resolution Approving Emergency Contract for  
3 Installation of Salt Storage Structure with  
4 Freespan Structures, Inc.

5           Item 8.

6           Resolution Approving State Contract Number  
7 A40199 with Oceanport LLC for Purchase of Road  
8 Salt.

9           Item 9.

10          Resolution Rejecting Bid for Test (sic)  
11 Structure -- for Tent Structures and Authorize  
12 Temporary Lease of Tent Structure and Re-Bid for  
13 Lease of Tent Structure for the DPW Equipment  
14 Storage.

15          Item 10.

16          Resolution Approving Settlement with  
17 Angelica Lugo Claim -- Claim Petition Number  
18 2010-11313.

19          Item 11.

20          Resolution Authorizing Submission of a  
21 Strategic Plan for the Union City Municipal  
22 Alliance Grant, Pursuant to the Governor Council  
23 of Alcohol -- Alcoholism and Drug Abuse Fiscal  
24 Grant Cycle, July 1<sup>st</sup>, 2016 through June 30<sup>th</sup>,  
25 2017.

1           Item 12.

2           Resolution Approving the Renewal of the  
3 Armando Diaz, Pocket, Liquor License Number 0910-  
4 43-131-002.

5           MAYOR STACK: This is going to remain in  
6 pocket status.

7           Right?

8           This license is remaining in pocket status.  
9 It's not a transfer. Number 12.

10          MS. NOVA: Mr. Diaz?

11          MR. DIAZ: Good evening, Board members.

12          Luis Diaz representing the transferor,  
13 Armando Diaz.

14          That -- that license is being sold and  
15 hopefully, it will be transferred right after  
16 this renewal.

17          MAYOR STACK: There's no application for  
18 transfer right now, though, right?

19          MR. SAPIENZA: There is an application for  
20 transfer right now. The only --

21          MAYOR STACK: Anything before us tonight?

22          MR. SAPIENZA: It is before you this  
23 evening, I believe.

24          MS. NOVA: Mayor, this is the one to La  
25 Placita.

1 MAYOR STACK: Where is that?

2 MS. NOVA: That's on --

3 MR. SAPIENZA: 48<sup>th</sup> Street.

4 MS. NOVA: -- 48<sup>th</sup> Street.

5 MAYOR STACK: Okay.

6 MS. NOVA: Yeah.

7 MAYOR STACK: What type of a license is  
8 this?

9 MR. SAPIENZA: This is what they call a 43  
10 license. It's a limited plenary distribution  
11 license. It's a warm beer license.

12 MAYOR STACK: I see.

13 MR. SAPIENZA: The premises where this  
14 license would be operated, if the transfer is  
15 granted is --

16 MR. DIAZ: Used to be called Kikos and --

17 MAYOR STACK: I see. Okay.

18 MR. DIAZ: -- Mr. Molina represents the --  
19 the transferee, and he will go into the details  
20 of --

21 MR. MOLINA: It's two locations that are  
22 rented at the former Kikos location. Both are  
23 single story, first floor.

24 The actual supermarket where a beer section  
25 is designated in the application on the grant.

1 And then, a dry storage area, which is in the  
2 premises immediately adjoining it.

3 MAYOR STACK: I got it.

4 MR. MOLINA: Which is separate from the  
5 rest of the storage.

6 MAYOR STACK: I got it.

7 MR. MOLINA: Okay.

8 MAYOR STACK: Thank you.

9 MR. MOLINA: Okay.

10 MAYOR STACK: Thank you very much.

11 ACTING CITY CLERK: Item 13.

12 Resolution Authorizing the Refund of  
13 Redemption Money to Outside Lienholders.

14 Item 14.

15 Resolution Authorizing Refund of Premium  
16 Monies Collected at Tax Sale.

17 Item 15.

18 Resolution Authorizing Refund of a  
19 Duplicate Payment Made on Block 217, Lot 3 C0403  
20 Also Known as 140 36<sup>th</sup> Street.

21 Item 16.

22 Resolution Authorizing the Resolution of an  
23 Overbill for 2015 Taxes on Block 212, Lot 4, Also  
24 Known as 140 35<sup>th</sup> Street, Six Condominiums.

25 Item 7 (sic).

1           Resolution Authorizing the Refund of a  
2 Duplicate Payment Made on Block 22, Lot 1.01  
3 C0815 Also Known as 500 Central Avenue.

4           MAYOR STACK: That was number 17.  
5 Right?

6           ACTING CITY CLERK: Number 17.

7           MAYOR STACK: Just for --

8           ACTING CITY CLERK: Yes.

9           MAYOR STACK: -- clarification.

10          ACTING CITY CLERK: Mayor, do you wish to  
11 take public comment on any item on the Consent  
12 Agenda at this time?

13          MAYOR STACK: Sure.

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

17          Seeing no one.

18          ACTING CITY CLERK: Is there a motion to  
19 close the public comment on the Consent Agenda?

20          MAYOR STACK: Motion.

21          ACTING CITY CLERK: Motion by Mayor Stack.

22          COMMISSIONER FERNANDEZ: Second.

23          ACTING CITY CLERK: Second by Commissioner  
24 Fernandez.

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 there a 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 have a couple  
5 of recusals.

6 On number 1, I'm recusing from any payments  
7 to Luis Diaz and Adolfo Lopez. And also, number  
8 12, and any other matter pertaining to the UC  
9 Code of Construction, aye on the rest.

10 ACTING CITY CLERK: Okay. Recuse on item 1  
11 and 12. Aye on the rest.

12 Mayor Stack?

13 MAYOR STACK: Yes.

14

15 **ORDINANCE (S) FOR INTRODUCTION**

16

17 ( ) An Ordinance Amending Chapter 223 "Land  
18 Development" as to the Definition of "Story,  
19 Half"

20

21 ACTING CITY CLERK: Next item is Ordinances  
22 -- Ordinances for Introduction.

23 These Ordinances will be further considered  
24 at a meeting of the Board of Commissioners to be  
25 held on January 5<sup>th</sup>, 2016 at seven p.m. at the

1 Jefferson Elementary School, 3400 Palisade  
2 Avenue, Union City, New Jersey.

3 First Ordinance is Amending Chapter 223,  
4 Land Development, as to the Definition of Story,  
5 Half.

6 MAYOR STACK: I'll move it.

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

9 COMMISSIONER VALDIVIA: Second.

10 ACTING CITY CLERK: Second by Commissioner  
11 Valdivia.

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; recusing.

21 Mayor Stack?

22 MAYOR STACK: Yes.

23

24 **ORDINANCE (S) FOR INTRODUCTION**

25

1       ()    An Ordinance Amending Chapter 334 "Rent  
2 Stabilization"

3

4            ACTING CITY CLERK:   Next Ordinance Amending  
5 Chapter 334 Rent Stabilization.

6            MAYOR STACK:   I'll move it.

7            ACTING CITY CLERK:   Motion by Mayor Stack.

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       **REGULAR AGENDA**

25

1 ( 1) Resolution Authorizing the Municipal  
2 Budget for State Fiscal Year 2016 to be Read by  
3 Title

4

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

7 First item is Resolution Authorizing the  
8 Municipal Budget for State Fiscal Year 2016 to be  
9 Read by Title.

10 Is there a motion?

11 MAYOR STACK: Motion.

12 ACTING CITY CLERK: Motion --

13 COMMISSIONER MARTINETTI: Second.

14 ACTING CITY CLERK: -- by Mayor Stack.

15 Second by Commissioner Martinetti.

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   **REGULAR AGENDA**

5

6       ( 2) Resolution Approving Shared Services

7 Agreement with the Union City Board of Education

8 for Overtime by Union City Building Department in

9 Connection with Gilmore School

10 Construction/Renovation Project

11

12           ACTING CITY CLERK:   Next item is Resolution

13 Approving Shared Service Agreement with the Union

14 City Board of Education for Overtime by the Union

15 City Building Department in Connection with

16 Gilmore School Construction/Renovation Project.

17           MAYOR STACK:   I'll move it.

18           MS. NOVA:   For this Resolution, although

19 Commissioner Valdivia would normally recuse,

20 based on the doctrine of necessity, we will be

21 having him vote on this matter.

22           COMMISSIONER RIVAS:   I second.

23           ACTING CITY CLERK:   Roll --

24 Motion by Mayor Stack.

25 Second by Commissioner Rivas.

1 Commissioner Fernandez; recusing.

2 Commissioner Rivas?

3 COMMISSIONER RIVAS: Yes.

4 ACTING CITY CLERK: Commissioner Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 ACTING CITY CLERK: Commissioner

7 Martinetti; recusing.

8 Mayor Stack?

9 MAYOR STACK: Yes.

10

11 **REGULAR AGENDA**

12

13 ( 3) Hearing on the Municipal Budget State

14 Fiscal Year 2016

15

16 ACTING CITY CLERK: Next item -- next item,

17 we have a Hearing of the Municipal Budget State

18 Fiscal Year 2016.

19 This is any --

20 MAYOR STACK: Anyone wishing -- anyone

21 wishing to comment at this time, please step

22 forward, on hearing on the municipal budget.

23 Let the record reflect Susan Colditz is

24 here with us this evening, our Chief Financial

25 Officer.

1           ACTING CITY CLERK: Seeing none.

2           MAYOR STACK: Seeing no one.

3           ACTING CITY CLERK: Is there a motion to  
4 close the public comment portion of this meeting?

5           COMMISSIONER MARTINETTI: Motion.

6           COMMISSIONER VALDIVIA: Motion.

7           ACTING CITY CLERK: Motion by Commissioner  
8 Martinetti.

9           COMMISSIONER VALDIVIA: Second.

10          ACTING CITY CLERK: Seconded by  
11 Commissioner Valdivia.

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          ACTING CITY CLERK: Next item is the Liquor  
25 License Disciplinary --

1 MAYOR STACK: Just --

2 ACTING CITY CLERK: -- Proceedings.

3

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

5

6 MAYOR STACK: Just before we go there.

7 This portion of the meeting, I'd like to  
8 open up before we -- the liquor licenses could be  
9 long, so I'd like to open up this portion of the  
10 meeting.

11 First, thank all the members of the public  
12 who are here this evening. The Commissioners and  
13 myself move a hundred percent of our meetings  
14 throughout the community.

15 This meeting tonight, the residents from  
16 20<sup>th</sup> to 30<sup>th</sup>, from Palisade to Kennedy Boulevard,  
17 were notified about the meeting.

18 I thank the residents who came out this  
19 evening. I know we hold many meetings in the  
20 community, community meetings. And we have great  
21 participation. That's truly what's making a  
22 difference in the City of Union City.

23 I'd like to thank the Commissioners.  
24 Commissioner Martinetti, Commissioner Valdivia,  
25 Commissioner Rivas and Commissioner Fernandez for

1 | being in agreement to move these meetings  
2 | throughout the community.

3 |         It truly makes a difference and the public  
4 | input that we've gotten has really helped us to  
5 | make the changes that we're making in the  
6 | community.

7 |         So, we do appreciate that.

8 |         Truly, even if you see something, say  
9 | something.

10 |         Lieutenant Loaces is here tonight. He can  
11 | tell you how much our police calls have increased  
12 | and how crime has decreased. That's truly made  
13 | the difference.

14 |         So, I'd like to thank the public, even the  
15 | people who aren't here tonight. Thank them very  
16 | much for the difference that we're making in the  
17 | community.

18 |         While the Commissioners and I myself are  
19 | working hard, without the public's eyes and ears,  
20 | the Police Department wouldn't have the success  
21 | they're having, or that we're enjoying in the  
22 | City of Union City, and seeing the changes that  
23 | are taking place and the improvements that are  
24 | taking place for the people that are living here.

25 |         So, once again, I thank you.

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

5           Seeing none.

6           COMMISSIONER MARTINETTI: Motion.

7           ACTING CITY CLERK: Motion to close it.

8           COMMISSIONER FERNANDEZ: Second.

9           ACTING CITY CLERK: Martinetti.

10          Second Commissioner Fernandez.

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          And just before we go into the liquor  
24 license hearings, I'd like to wish everyone who  
25 won't be staying for the liquor license hearings

1 a very healthy and happy holiday. Merry  
2 Christmas and a healthy and a happy new year.

3 Even though Commissioner Fernandez wants to  
4 sing a song, we're not going to do it tonight.

5 Thank you very much, everyone.

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1     **LIQUOR LICENSE TRANSFER HEARING:**

2

3             MAYOR STACK:   Liquor License Hearings.

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

6             ACTING CITY CLERK:   Okay.   Mr. Sapienza?

7             MR. SAPIENZA:   This is about the place-to-  
8 place and person-to-person transfer of Armando  
9 Diaz, which is --

10            MAYOR STACK:   Just, Mr. Sapienza, if you  
11 could just keep your -- your voice up.

12            Everyone?   If we could just have everyone's  
13 attention?

14            You can go right ahead.

15            Thank you, Mr. Sapienza.

16            MR. SAPIENZA:   This is the place-to-place  
17 and person-to-person transfer of the liquor  
18 license, Armando Diaz, which is a pocket license,  
19 to La Placita Supermarket, Inc.

20            Will those gentlemen please come forward?

21            MR. DIAZ:   Good evening, Board members.

22            Luis Diaz for the transferor, Armando Diaz,  
23 no relationship.

24            MR. MOLINA:   Good evening.

25            Alan Molina on behalf of La Placita

1 Supermarket.

2 My client's principal is -- on his way up  
3 and standing to my left.

4 MR. SAPIENZA: The application is complete.  
5 The qualifications of the applicant have been  
6 vetted by the Police Department, and they are  
7 qualified to have -- or receive the license.

8 At this time, I'd like to ask Mr. Molina to  
9 describe the operation of the license, if, in  
10 fact, you grant the transfer to the particular  
11 location.

12 MR. MOLINA: Good evening, again.

13 As indicated in the application, this is  
14 place-to-place transfer. My client operates La  
15 Placita Supermarket out of two locations; 148 and  
16 152 48<sup>th</sup> Street. They're two adjoining locations  
17 in Union City, in the old Kikos Supermarket,  
18 which is how everyone is probably familiar with  
19 the location.

20 The main location is 152, which is the  
21 supermarket. And then, 148 has a section which  
22 is indicated on the drawing that I've provided as  
23 part of the application, which has the separate  
24 location for the dry beer storage.

25 He's been operating at the location since

1 April of 2014, has a 20 year lease, and expects  
2 to be there long term.

3 MR. DIAZ: If I may add to what Mr. Molina  
4 said, this is a person-to-person and place-to-  
5 place transfer.

6 MR. SAPIENZA: And the building itself.  
7 Would you please describe the building?

8 MR. MOLINA: Yeah. It's basically a  
9 commercial location, L shaped. If my memory  
10 serves, it goes from 48<sup>th</sup> Street to 49<sup>th</sup> Street.  
11 And I believe, is it Hudson and Park?

12 A VOICE: 48<sup>th</sup> and 49<sup>th</sup>.

13 MR. MOLINA: And --

14 A VOICE: Hudson.

15 MR. MOLINA: Hudson and Park?

16 MS. NOVA: Hudson and Broadway, I think.

17 A VOICE: No. Hudson and 48<sup>th</sup>. Hudson and  
18 Park.

19 MR. MOLINA: Between Hudson and Park. It's  
20 exclusively a commercial location. And he has  
21 two out of, I believe, the eight commercial  
22 locations, with separate parking for the  
23 commercial establishments.

24 MR. SAPIENZA: Will the -- will the  
25 licensed premises be all on the same floor?

1 MR. MOLINA: Yes.

2 MR. SAPIENZA: Where will that be?

3 MR. MOLINA: The location is exclusively in  
4 the first floor.

5 MAYOR STACK: Just make sure your client --  
6 your client knows the liquor license laws and, of  
7 course, proofing anyone that comes in. Just make  
8 sure there's no sale to minors.

9 MR. MOLINA: Absolutely.

10 And I've provided him a copy of the  
11 handbook. I reviewed it with him awhile ago, and  
12 I'll do it again prior to the formal closing on  
13 the transfer.

14 MAYOR STACK: Good.

15 And just his portion of the property, make  
16 sure we keep it clean. The City of Union City  
17 just invested millions of dollars up there on new  
18 sidewalks and -- and improvements; trees, new  
19 lights. We're going to be paving that street  
20 next year, both 48<sup>th</sup> and 49<sup>th</sup> Street.

21 We appreciate his cooperation.

22 MR. MOLINA: Absolutely.

23 MAYOR STACK: Thank you.

24 Does the Police Department have any comment  
25 on this application?

1 Lieutenant Loaces?

2 LIEUTENANT LOACES: No, sir.

3 MAYOR STACK: Okay. We'll make a motion.

4 Mr. Sapienza, you have anything further?

5 MR. SAPIENZA: No, I do not.

6 MAYOR STACK: Okay.

7 I make a motion --

8 COMMISSIONER RIVAS: I second.

9 MAYOR STACK: -- to approve.

10 ACTING CITY CLERK: Motion by Mayor Stack.

11 Second by Commissioner Rivas.

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; recusing.

21 Mayor Stack?

22 MAYOR STACK: Yes.

23 MS. NOVA: And for the record, a formal

24 Resolution will be put on the next meeting, which

25 is January 5<sup>th</sup>.

1           A VOICE:   Thank you.

2           MAYOR STACK:   Thank you.

3           Thank you very much.

4           Thank you.

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

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**LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

- ( 1 ) Wendy C. Diaz t/a Tropical & Restaurant  
4100C Bergenline Avenue  
Liquor License No. 0910-33-060-003
- ( 2 ) RG Enterprise Entertainment t/a Therapy  
Lounge  
2803 Bergenline Avenue  
Liquor License No. 0910-33-134-006
- ( 3 ) El Munequito Corp. t/a El Miguelino  
2103 Summit Avenue  
Liquor License No. 0910-33-100-009
- ( 4 ) Lee Entertainment t/a Fantasy Night Club  
416-418 43<sup>rd</sup> Street  
Liquor License No. 0910-33-072-007
- ( 5 ) Vanessa Café Corp. t/a Vanessa Bar  
Restaurant  
120 43<sup>rd</sup> Street  
Liquor License No. 0910-33-029-008
- ( 6 ) El Chapin Corp. t/a El Rincon Chapin  
(El Cuscatleco)  
2218 Bergenline Avenue  
Liquor License No. 0910-33-075-01
- ( 7 ) Bambinas Bar & Restaurant t/a Milagro  
Ecuatoriano Restaurant

1 2906 Bergenline Avenue

2 Liquor License No. 0910-33-040-009

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

5 MAYOR STACK: Mr. Farmer, if you could --

6 MR. FARMER: Yes, I will.

7 MAYOR STACK: If I could just have  
8 everyone's attention, and Mr. Farmer's going to  
9 keep his voice up --

10 MR. FARMER: Yes.

11 MAYOR STACK: -- along with the Sergeant.

12 MR. FARMER: Yes.

13

14 ( 1) Wendy C. Diaz t/a Tropical & Restaurant

15 4100C Bergenline Avenue

16 Liquor License No. 0910-33-060-003

17

18 MR. FARMER: With respect to the agenda  
19 that's before you, number 1 is Wendy Diaz's  
20 Tropical Restaurant and Bar.

21 The licensee isn't here. The manager is  
22 here. And consequently, we cannot proceed, so  
23 I'm going to ask that that be carried to January  
24 5<sup>th</sup>.

25 MAYOR STACK: Okay.

1           MR. FARMER: I've spoken to the -- the  
2 owner one time, but Detective Dunlay would like  
3 to talk to him, as well.

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1     **( 2)   RG Enterprise Entertainment t/a Therapy**  
2           **Lounge**  
3           **2803 Bergenline Avenue**  
4           **Liquor License No. 0910-33-134-006**  
5

6           MR. FARMER:   Now, we're going to number 2,  
7     which is Therapy.   And as a preface to that, I  
8     would like to point out that previously, and  
9     you'll see the screen and video are set up.

10          Previously, Detective Dunlay, myself, and  
11     the licensees, two or three of them, Therapy,  
12     Fantasy and El Rincon, all viewed the video of  
13     the evidence that was against them.   And as a  
14     result of that, we have been able to enter into  
15     pleas with respect to all three of them.

16          MAYOR STACK:   And which three would that  
17     be?

18          MR. FARMER:   That would be Tropical --  
19     Therapy, which will be ten days; it will also be  
20     Fantasy, which will be ten days; and it will also  
21     be El Chapin, that will be 20 days.

22          MAYOR STACK:   Which one --

23          MR. FARMER:   So on the agenda --

24          MAYOR STACK:   Which one is that?   Which one  
25     is --

1 MR. FARMER: It's 2 --

2 MAYOR STACK: Which is one is the last one,  
3 Mr. Farmer? I couldn't hear you.

4 MR. FARMER: Number -- I'm sorry. Number  
5 6, El Chapin.

6 COMMISSIONER MARTINETTI: El Rincon.

7 MAYOR STACK: Is 20 days?

8 MR. FARMER: El Rincon.

9 Twenty days.

10 MAYOR STACK: So, ten days for -- for  
11 Therapy, ten days for Fantasy, 20 days for El  
12 Rincon?

13 MR. FARMER: Yes.

14 MAYOR STACK: Okay.

15 MR. FARMER: And that's -- and that's all  
16 done with collaboration with the Police  
17 Department, and they're onboard with respect to  
18 the extent of the suspensions.

19 MAYOR STACK: All right. We're going to  
20 bring them up, though, one by one.

21 Right?

22 MR. FARMER: Yes.

23 MAYOR STACK: Okay.

24 MR. FARMER: We're going to do Therapy  
25 right now.

1           MAYOR STACK:   Okay.

2           MR. FARMER:    Okay.

3           Put your name on the --

4           MR. GUZMAN:   Robert Guzman, Therapy Lounge.

5           MR. FARMER:   Mr. Guzman, first of all,  
6 you're here without a lawyer.

7           Right?

8           MR. GUZMAN:   Yes, sir.

9           MR. FARMER:   Okay.   And you've been here a  
10 number of times in the past, have you not?

11          MR. GUZMAN:   Yes, sir.

12          MR. FARMER:   Okay.   Now, you came to the  
13 police station a couple of days ago and viewed  
14 the video of the incident that brings you before  
15 the Board today.

16          Correct?

17          MR. GUZMAN:   Yes, sir.

18          MR. FARMER:   Okay.   And as a result of that  
19 video, Detective Dunlay and myself and you have  
20 worked out a time of suspension for -- yes, time  
21 of suspension, ten days from January 1<sup>st</sup> to  
22 January 10<sup>th</sup>.

23          Correct?

24          MR. GUZMAN:   Yes, sir.

25          MR. FARMER:   Okay.   You're entering into

1 | that plea voluntarily?

2 | MR. GUZMAN: Yes, sir.

3 | MR. FARMER: Okay. Had enough time to  
4 | think about it?

5 | MR. GUZMAN: Yes.

6 | MR. FARMER: And this is what you want to  
7 | do?

8 | MR. GUZMAN: Yes, sir.

9 | MR. FARMER: Okay. All right.

10 | COMMISSIONER MARTINETTI: And he refused an  
11 | attorney.

12 | Mayor? That he refused an attorney, that  
13 | he doesn't want to be represented by an attorney.

14 | MAYOR STACK: You're here without an  
15 | attorney, Mr. Guzman.

16 | Do you want an attorney, or you waive the  
17 | right to have an attorney tonight?

18 | MR. GUZMAN: No. That's okay.

19 | MAYOR STACK: Okay. Okay. I'll make a  
20 | motion to approve.

21 | ACTING CITY CLERK: Motion by Mayor Stack.

22 | MAYOR STACK: Mr. Farmer's recommendation.

23 | COMMISSIONER RIVAS: Thank you.

24 | COMMISSIONER FERNANDEZ: Second.

25 | ACTING CITY CLERK: Second by Commissioner

1     Fernandez.

2             Roll call.

3             Commissioner Fernandez?

4             COMMISSIONER FERNANDEZ:   Yes.

5             ACTING CITY CLERK:   Commissioner Rivas?

6             COMMISSIONER RIVAS:   Yes.

7             ACTING CITY CLERK:   Commissioner Valdivia?

8             COMMISSIONER VALDIVIA:   Yes.

9             ACTING CITY CLERK:   Commissioner

10    Martinetti?

11             COMMISSIONER MARTINETTI:   Yes.

12             ACTING CITY CLERK:   Mayor Stack?

13             MAYOR STACK:   Yes.

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1 ( 4) Lee Entertainment t/a Fantasy Night Club  
2 416-418 43<sup>rd</sup> Street  
3 Liquor License No. 0910-33-072-007  
4

5 MR. FARMER: If you'd skip over number 3,  
6 because Mr. Sapienza's handling that one.

7 And go to the Fantasy. Mr. Diaz represents  
8 Fantasy.

9 And again, Detective Dunlay's with me right  
10 now. And this is another situation where the  
11 video was viewed by the licensee and the police,  
12 and as far as the offense is concerned, we've  
13 entered into an agreement of ten day suspension,  
14 which would be from the 5<sup>th</sup> to the 14<sup>th</sup>.

15 And that's -- the police are in agreement  
16 with it. Licensee is in agreement, and I would  
17 recommend it.

18 MR. DIAZ: Again, Luis Diaz for the  
19 applicant, for the licensee, Lee Entertainment.

20 I'd like to point out that the licensee in  
21 this situation -- in this situation cooperated  
22 fully with the police in this, accept the -- the  
23 plea.

24 There was an incident. And accept the plea  
25 and the ten day suspension.

1 MAYOR STACK: I make --

2 MR. DIAZ: But they cooperated with the  
3 police, they supplied the tape. In actuality,  
4 they were a little bit assaulted by the -- by the  
5 individuals, but you know, they accept the  
6 incident took place.

7 MAYOR STACK: I'll make a motion to approve  
8 on the recommendation of ten days.

9 ACTING CITY CLERK: Motion made by Mayor  
10 Stack.

11 COMMISSIONER FERNANDEZ: Second.

12 ACTING CITY CLERK: Second by Commissioner  
13 Fernandez.

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; recusing.

23 Mayor Stack?

24 MAYOR STACK: Yes.

25 \*\*\*

1     **( 5) Vanessa Café Corp. t/a Vanessa Bar**  
2             **Restaurant**  
3             **120 43<sup>rd</sup> Street**  
4             **Liquor License No. 0910-33-029-008**

5  
6             MR. FARMER: The next one is Vanessa Café.  
7 This is really a noise complaint.

8             We've -- Mr. Diaz represents Vanessa, who  
9 have agreed that the noise complaint, a three day  
10 suspension, namely January 6, 7<sup>th</sup> and 8<sup>th</sup>.

11            MR. DIAZ: Again, Luis Diaz for the  
12 licensee.

13            Yeah. Vanessa acknowledged that the  
14 incident took place.

15            What they are proposing, what they are  
16 going to do in order to prevent this from  
17 happening again, is to put a double door. They  
18 only have one door. You need two doors in order  
19 to keep away the -- the sound inside the -- the  
20 location.

21            And yes, they accept the -- the penalty and  
22 they plead to the incident.

23            MR. FARMER: By the way, one of those days  
24 is a Friday.

25            MAYOR STACK: Just, I think what's

1 | important, Mr. Diaz, and to your client is that  
2 | we receive a lot of complaints. And I'm not sure  
3 | whether sometimes it comes down to the liquor  
4 | store, the café.

5 | But we receive a lot of complaints about  
6 | noise in that neighborhood.

7 | We just need help there in controlling  
8 | that.

9 | I'll make a motion to approve the  
10 | recommendation.

11 | ACTING CITY CLERK: Motion by Mayor Stack.

12 | COMMISSIONER FERNANDEZ: Second.

13 | ACTING CITY CLERK: Second by Commissioner  
14 | Fernandez.

15 | Roll call.

16 | Commissioner Fernandez?

17 | COMMISSIONER FERNANDEZ: Yes.

18 | ACTING CITY CLERK: Commissioner Rivas?

19 | COMMISSIONER RIVAS: Yes.

20 | ACTING CITY CLERK: Commissioner Valdivia?

21 | COMMISSIONER VALDIVIA: Yes.

22 | ACTING CITY CLERK: Commissioner  
23 | Martinetti; recusing.

24 | Mayor Stack?

25 | MAYOR STACK: Yes.

1 MR. DIAZ: Thank you.

2 MAYOR STACK: Thank you. Thank you very  
3 much.

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1 ( 6) El Chapin Corp. t/a El Rincon Chapin  
2 (El Cuscatleco)  
3 2218 Bergenline Avenue  
4 Liquor License No. 0910-33-075-01  
5

6 MR. FARMER: The next one is number 6 on  
7 your list, El Chapin, El Rincon Chapin, 2218  
8 Bergenline Avenue.

9 Mr. Alum and the licensee are here. Mr.  
10 Alum represents the licensee.

11 And again, this was a situation where we  
12 had the video to be shown. Showed it about a  
13 week or so ago.

14 And as a result of them looking at the  
15 video, and negotiating with the Police  
16 Department, there was bodily injury involved and  
17 there was a bottle involved.

18 And when we finish this, I just want to  
19 address the progress of the Bottle Ordinance.

20 But in any event, it's a 20 day suspension,  
21 and it's from January 4<sup>th</sup> to the 24<sup>th</sup>.

22 MR. ALUM: Just for the record, Luis Alum,  
23 for the licensee.

24 MAYOR STACK: Did you want to add anything  
25 further, sir?

1 MR. ALUM: No, no.

2 MAYOR STACK: No. Okay.

3 I'll make a motion to approve the 20 days

4 --

5 ACTING CITY CLERK: Motion by --

6 MAYOR STACK: -- upon the recommendation.

7 ACTING CITY CLERK: -- Mayor Steck.

8 COMMISSIONER RIVAS: I'll second.

9 ACTING CITY CLERK: Second by Commissioner

10 Rivas.

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 MR. ALUM: Thank you. All right. Merry

24 Christmas.

25 MAYOR STACK: Thank you very much. You,

1    too.

2            Happy holiday.

3            Thank you.

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1     **( 7)   Bambinas Bar & Restaurant t/a Milagro**  
2             **Ecuatoriano Restaurant**  
3             **2906 Bergenline Avenue**  
4             **Liquor License No. 0910-33-040-009**

5  
6             MR. FARMER:   Bambinas.

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

9             MR. FARMER:   This is number 7 on your list,  
10 Bambinas Bar and Restaurant, 2906 Bergenline  
11 Avenue.

12            This is a situation where apparently --  
13 first of all, a situation that the police officer  
14 is here, when he arrived at the scene, the victim  
15 was gone.   Everybody was gone.

16            Putting it together, it appears that two  
17 people walked in, went into the bathroom, a  
18 struggle happened there.   They came out and they  
19 left.

20            All right?

21            There's -- there's no way that we will be  
22 able to sustain a burden of proof on that.

23            However, this place has been a problem this  
24 year.   And they've been suspended 27 days this  
25 year, which is a fair amount of time.

1           Now, the licensee is here, and I've spoken  
2 with the licensee in the past, and alongside the  
3 licensee is here son-in-law, who indicates to me  
4 that they are going to transfer the license from  
5 the licensee to him, that he's going to spend a  
6 great deal of time, a couple of months,  
7 renovating the place and making it more to be  
8 catered to a food establishment, as to a bar,  
9 because of the simple fact that the bar, in its  
10 present mode of operation, is really a nuisance.

11           And if there -- and quite frankly, like I  
12 said, 27 days this year.

13           But the thing that brings us here, the  
14 offense, is really an offense that was  
15 spontaneous -- spontaneous, behind closed doors,  
16 and it was over before we knew it. And when the  
17 cops came, everybody was gone.

18           And quite frankly, the one person who  
19 reported it, is no longer around. So, it's a  
20 very weak case.

21           I would recommend it be dismissed.

22           But I would also ask the Board to sternly  
23 warn the licensee that continued behavior like  
24 this just indicates to the Board that she can't  
25 control the establishment.

1           And if she can't -- and if she cannot  
2 control the establishment, the solution is  
3 revoking the license.

4           MAYOR STACK:   Right. The problem that we  
5 continue to have is complaints on noise and other  
6 issues that -- that the establishment has had in  
7 the past. And we just can't have that.

8           I think going more in a food direction is  
9 the way to go.

10          Do you need somebody to translate or --

11          MR. VITERI:   No, we're -- I'm fine.

12          MAYOR STACK:   You're okay?

13          MR. VITERI:   Yes.

14          MAYOR STACK:   You just -- I mean, you  
15 really need -- and I said this the last time, I  
16 think management might be a problem.

17          But more -- if you went more into food, I  
18 think that would probably be the best thing you  
19 could do.

20          MR. VITERI:   Yes.

21          MAYOR STACK:   And I'm happy to hear that.

22          MR. VITERI:   Yeah. Correct. That's why --  
23 she's my mother-in-law.

24          My wife, she's got experience, because  
25 before, she used to work with my --

1           MAYOR STACK:    Sure.

2           MR. VITERI:    -- mother-in-law.   And we're  
3 going to apply for the City Code to get approve  
4 -- you know, for -- to make more all --

5           MAYOR STACK:    Good.

6           MR. VITERI:    -- the restaurant.

7           At the same time, we're going to transfer  
8 -- you know, the license.   That's going to take  
9 like two, three months.   So the restaurant is  
10 going to be closed -- you know, for the time that  
11 we're going to be doing the -- the work.   You  
12 know, the construction.

13          MAYOR STACK:    Sure.

14          MR. VITERI:    It's probably about two  
15 months.

16          MAYOR STACK:    I think that would be the  
17 best thing you could do.   Good.

18          MR. VITERI:    We're going to take that  
19 responsibility.

20          MAYOR STACK:    Good.

21          MR. VITERI:    We're going to run the  
22 business, and we're going to try to do the best  
23 -- you know?

24          MAYOR STACK:    Good.

25          We're just looking that -- you know, you

1 run a good business there. Not too much noise.

2 I know that there's a lot of other liquor  
3 establishments --

4 MR. VITERI: Yes.

5 MAYOR STACK: -- right in that area, which  
6 adds to the problem.

7 But working together, I think we could  
8 resolve the situation.

9 MR. VITERI: Thank you.

10 MAYOR STACK: Thank you very much.

11 MR. VITERI: I'm really appreciate that.

12 MAYOR STACK: Thank you.

13 MR. VITERI: Thank you.

14 MAYOR STACK: Thank you very much.

15 MR. DILLON: Excuse me, sir?

16 Could I have your name?

17 MAYOR STACK: Okay.

18 MR. VITERI: Roberto --

19 MAYOR STACK: I'll make a motion on Mr.  
20 Farmer's recommenda --

21 I'm sorry.

22 MR. VITERI: Roberto Viteri.

23 MR. DILLON: Roberto what?

24 MR. VITERI: Viteri. Let me give you my --

25 MR. DILLON: Thank you.

1 Thank you.

2 MAYOR STACK: I'll make a motion on Mr.  
3 Farmer's recommendation to dismiss.

4 COMMISSIONER FERNANDEZ: Second.

5 ACTING CITY CLERK: Motion by Mayor Stack.  
6 Second by Commissioner Fernandez.

7 Roll call.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 ACTING CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 ACTING CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 ACTING CITY CLERK: Commissioner

15 Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 ACTING CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19 MR. FARMER: Okay. I think that takes care  
20 of everybody except number 3, which I think is  
21 going to be a video that's shown with Mr.  
22 Sapienza.

23 MAYOR STACK: Sure.

24 MR. FARMER: Charlie?

25 MR. VITERI: Excuse me?

1           I want to -- something you know, the  
2 restaurant will be closed. As soon as we get  
3 approved -- you know, for the City Code that  
4 we're ready to start the -- the work -- you know,  
5 the construction work. So then we're going to --  
6 we're going to close the business.

7           MAYOR STACK: Okay.

8           MR. VITERI: So, there's going to be maybe  
9 like two, three more weeks, that's going to be  
10 open.

11          MAYOR STACK: Okay.

12          MR. VITERI: Until we get approved from the  
13 City.

14          MAYOR STACK: Okay.

15          MR. VITERI: But we don't know, sometimes  
16 takes two weeks, sometimes they require to  
17 present the plans with architects.

18          MAYOR STACK: Sure.

19          MR. VITERI: It takes more than two, three  
20 weeks.

21          MAYOR STACK: Sure. Just in the meantime,  
22 just make sure that there's no issues there.

23          MR. VITERI: Okay.

24          MAYOR STACK: Okay?

25          MR. VITERI: Sure.

1 MAYOR STACK: Thank you very much.

2 MR. VITERI: Yeah.

3 MAYOR STACK: We appreciate that.

4 Thank you.

5 MR. VITERI: Thank you very much.

6 MAYOR STACK: Thank you.

7 MR. VITERI: We appreciate that.

8 MS. MAJORCA: I want to --

9 MAYOR STACK: Thank you very much.

10 Have a good evening.

11 MR. VITERI: Thank you.

12 MS. MAJORCA: A little attention of the  
13 neighbor, because I have -- the daughter is sick,  
14 and daughter is the problem. The people coming  
15 who do problem in my restaurant there.

16 MAYOR STACK: Sure. Just make sure you see  
17 either the Lieutenant or Sergeant Dunlay before  
18 you leave, and go over that with them.  
19 Absolutely.

20 MS. MAJORCA: Because before, nothing will  
21 have problem.

22 MAYOR STACK: Sure.

23 MS. MAJORCA: Now, I don't know what --

24 MR. VITERI: Excuse me?

25 MR. DILLON: Name for the record.

1 MR. VITERI: Vilma --

2 MS. MAJORCA: Put door for door.

3 MR. VITERI: -- Majorca.

4 MS. MAJORCA: I don't know. That --

5 MR. VITERI: Vilma Majorca.

6 MS. MAJORCA: How that -- I don't know.

7 MR. VITERI: Majorca.

8 MS. MAJORCA: Those two --

9 MAYOR STACK: Right next door. Right next

10 door.

11 MR. VITERI: Yes. Correct.

12 MR. DILLON: Got you.

13 MS. MAJORCA: But that's a problem.

14 MR. VITERI: Okay.

15 Thanks.

16 MS. MAJORCA: One time coming for the -- go

17 inside in my restaurant. It's a problem.

18 MAYOR STACK: Sure.

19 Okay.

20 Just -- just if you could, just see the

21 Sergeant or -- or the -- I'm sorry -- the

22 Lieutenant or one of the Sergeants before you

23 leave.

24 Okay?

25 Absolutely.

1           (Whereupon, there was a pause in the  
2 proceedings.)

3                           \* \* \*

1 ( 3) El Munequito Corp. t/a El Miguelino  
2 2103 Summit Avenue  
3 Liquor License No. 0910-33-100-009  
4

5 MR. SAPIENZA: This is the matter of Union  
6 City versus El Munequito Corporation, a licensee,  
7 a plenary retail consumption licensee in the City  
8 of Union City.

9 The charges are that on October 3<sup>rd</sup>, 2015,  
10 El Munequito allowed, permitted, or suffered on  
11 or about the license premises a brawl, act of  
12 violence that required a police response.

13 Further, that they -- that the licensee  
14 allowed the license to be operated without having  
15 displayed a current license.

16 Third, that El Munequito permitted or  
17 suffered the operation of the licensed premises  
18 without required books of account.

19 And finally, the fourth charge, that the  
20 licensee allowed, or permitted, or suffered the  
21 unlawful operation of the licensed premises  
22 without copies of delivery slips, invoices, or  
23 similar documents.

24 I ask counsel for El Munequito to enter his  
25 appearance, please.

1           MR. BAPTISTE: Yes. Good evening, Board.  
2           My name is Josue Jean Baptiste. I'm here  
3 representing El Munequito in defense to the  
4 claims that the State (indiscernible) against  
5 them at this time.

6           There's some housekeeping matters that I  
7 want to make sure that we address before this  
8 hearing starts.

9           We never had a chance to see the video,  
10 although we made a request for it. Me and, I  
11 guess, Union City's counsel. We talked about a  
12 resolution, where we'd get a chance to see it  
13 during a break.

14          I'm not sure how he would like to proceed  
15 with that issue.

16          MR. SAPIENZA: I think we're -- we're both  
17 going to be seeing it for the first time right  
18 now. So, I'm ready to proceed.

19          MR. BAPTISTE: I want to see it with my  
20 client before. I think it's only fair that my  
21 client gets an opportunity to see it.

22          MR. SAPIENZA: So, I tell you that the  
23 attorney is asking for a brief respite, so he can  
24 view the video that's ready to be played.

25          MAYOR STACK: Sure.

1           MR. SAPIENZA: I don't have any objections  
2 to that.

3           MAYOR STACK: I have no objection.

4           Can -- can you -- you want to view it in  
5 the room here, or you want to view it on a  
6 computer?

7           MR. BAPTISTE: Whatever works best.

8           MAYOR STACK: You want to take the computer  
9 to another -- maybe --

10          MR. BAPTISTE: Whatever works best for you  
11 guys.

12          MAYOR STACK: Whatever you want. Can you  
13 do that, Dave? Is that easy to do?

14          DETECTIVE SERGEANT DUNLAY: I can shut it  
15 off from the screen. He can view it right here.

16          MR. SAPIENZA: Okay.

17

18          (Whereupon, the Board recessed from 7:48  
19 p.m. to 7:58 p.m.)

20

21          MR. SAPIENZA: This is the matter of Union  
22 City versus El Munequito, Corp.

23          First witness is Officer Jose Castillo.

24          Officer, please raise your right hand to be  
25 sworn as a witness.

1 MR. DILLON: Swear the testimony that  
2 you're about to give this Board is the whole  
3 truth?

4 OFFICER CASTILLO: I do.

5 MR. DILLON: State your name and spell it  
6 for the record.

7 OFFICER CASTILLO: Jose Castillo, J-O-S-E,  
8 C -- C-A-S-T-I-L-L-O.

9 MR. DILLON: Thank you.

10 MR. SAPIENZA: Officer, you're a member of  
11 the Union City Police Department?

12 OFFICER CASTILLO: Yes.

13 MR. SAPIENZA: How long have you been a  
14 member?

15 OFFICER CASTILLO: Nine years.

16 MR. SAPIENZA: And what are your duties --  
17 what were your duties on October 3<sup>rd</sup>, 2015?

18 OFFICER CASTILLO: Patrol officer.

19 MR. SAPIENZA: Were you on --

20 OFFICER CASTILLO: Uniform patrol.

21 MR. SAPIENZA: Were you on patrol that  
22 evening at approximately ten o'clock?

23 OFFICER CASTILLO: Yes.

24 MR. SAPIENZA: Were you accompanied by  
25 anyone else on your patrol? Any other officer?

1           OFFICER CASTILLO: With P.O. Cando, Officer  
2 Cando.

3           MR. SAPIENZA: And were you dispatched, at  
4 some point, to the location at 2105 Summit  
5 Avenue?

6           OFFICER CASTILLO: Yes, I was.

7           MR. SAPIENZA: Who -- who dispatched you to  
8 -- to that location?

9           OFFICER CASTILLO: Dispatched via radio.

10          MR. SAPIENZA: Were you on foot or were you  
11 in a car?

12          OFFICER CASTILLO: In a -- in a patrol car.

13          MR. SAPIENZA: When you arrived at 2105  
14 Summit Avenue, was there another business at that  
15 location that you observed?

16          Is that El Munequito Bar?

17          OFFICER CASTILLO: Yes. El Miguelino.

18          MR. SAPIENZA: Okay. What time did you  
19 arrive at El Miguelino Bar?

20          OFFICER CASTILLO: Just after 10:25.

21          MR. SAPIENZA: And what did you do when you  
22 -- what did you see when you got there?

23          OFFICER CASTILLO: Well, myself, Sergeant  
24 D'Andrea, and Sergeant Bergbauer entered. They  
25 were -- closing down the establishment. We

1 entered to see if there was any signs of a  
2 struggle, if something had went on. Received a  
3 couple of calls.

4 MR. SAPIENZA: When you entered the  
5 establishment, were other people inside?

6 OFFICER CASTILLO: Yes. There were still  
7 bartenders inside and other staff cleaning up.

8 MR. SAPIENZA: Did you conduct any search  
9 of the premises?

10 OFFICER CASTILLO: We did a walk through of  
11 the premises.

12 MR. SAPIENZA: Did you find any patrons  
13 inside the bar?

14 OFFICER CASTILLO: Yes. In the rear  
15 bathroom, a male and a female.

16 MR. SAPIENZA: Who were they?

17 OFFICER CASTILLO: Patrons that reported  
18 being assaulted during the evening.

19 MR. SAPIENZA: Does your police report  
20 reflect their name and address?

21 OFFICER CASTILLO: Yes. It would be Mr.  
22 Brian E. Diaz, of 3756 89<sup>th</sup> Street, Jackson  
23 Heights, New York. And Ingrid D. -- I'm going to  
24 spell the last name -- J-A-I-P-E-R-S-A-N-O.  
25 She's of the same address in Jackson Heights, New

1 York.

2 MR. SAPIENZA: Did you ask those two  
3 individuals you just named, what happened?

4 OFFICER CASTILLO: Yes.

5 MR. SAPIENZA: What did they reply?

6 OFFICER CASTILLO: In short, they -- they  
7 had a confrontation with a man who was  
8 intoxicated, and they were both struck by this  
9 man.

10 MR. SAPIENZA: Did that happen inside the  
11 bar?

12 OFFICER CASTILLO: Yes.

13 MR. SAPIENZA: Did they give you any more  
14 information than that?

15 OFFICER CASTILLO: Yes. They -- they had  
16 been having dinner. I'd have to refer to my  
17 reports, but they had been having dinner and the  
18 man was apparently yelling at one of the  
19 bartenders, or one of the employees. Ingrid  
20 approached --

21 MR. BAPTISTE: I'm going to object. I just  
22 want to -- I want to object.

23 Hearsay. That's --

24 MR. DILLON: If you could just approach the  
25 microphone.

1 MR. BAPTISTE: Yes.

2 MR. DILLON: Thank you.

3 MR. BAPTISTE: I would like to make an  
4 objection, statements that are being made by the  
5 officer, hear -- it's hearsay.

6 This -- these statements, these individuals  
7 should have been subpoenaed so they could give  
8 the firsthand recollection of what transpired.

9 I'd like the Board to make a determination  
10 on that matter.

11 MAYOR STACK: Mr. Sapienza, do you have  
12 anything you want to comment?

13 MR. SAPIENZA: Hearsay is admissible in  
14 this kind of a hearing. And the injured parties  
15 were notified of the hearing this evening. They  
16 have chosen, apparently, not to come. I don't  
17 see them here.

18 MAYOR STACK: Okay.

19 I'm going to allow it.

20 MR. SAPIENZA: So, please, you're -- you're  
21 completely free to refer to your police report as  
22 you answer these questions, so please do.

23 So, after you received the information from  
24 them, what did you do?

25 OFFICER CASTILLO: Well, after they --

1 after they initially told me they were assaulted

2 --

3 MR. SAPIENZA: Um hum.

4 OFFICER CASTILLO: -- or offered them  
5 medical attention?

6 MR. SAPIENZA: Yes.

7 You stayed at the scene?

8 OFFICER CASTILLO: Yes.

9 MR. SAPIENZA: Did other police officers  
10 then arrive at the scene and -- and conduct  
11 further proceedings?

12 OFFICER CASTILLO: Yes.

13 MR. SAPIENZA: What other officers appeared  
14 at the scene?

15 OFFICER CASTILLO: Detective Musa also  
16 came.

17 MR. SAPIENZA: Is Detective Musa here  
18 tonight?

19 OFFICER CASTILLO: Just walked in. Yes, he  
20 is.

21 MR. SAPIENZA: Thank you.

22 I have no further questions.

23 MR. BAPTISTE: Officer Castillo?

24 OFFICER CASTILLO: Yes.

25 MR. BAPTISTE: Did you witness this fight?

1           OFFICER CASTILLO:  No.

2           MR. BAPTISTE:  Did the victims indicate  
3 that this entire fight happened inside of the  
4 bar?

5           OFFICER CASTILLO:  Yes.

6           MR. BAPTISTE:  Did you have the opportunity  
7 to see the video of when the fight took place?

8           OFFICER CASTILLO:  I did not.

9           MR. BAPTISTE:  And were either one of the  
10 victims seriously injured?

11          OFFICER CASTILLO:  They did not appear  
12 seriously injured.

13          MR. BAPTISTE:  And when you entered the  
14 bar, was there any signs that the fight took  
15 place inside the bar?

16          OFFICER CASTILLO:  Not that I could see.  
17 Everybody was cleaning up so --

18          MR. BAPTISTE:  So, did you see any broken  
19 glass --

20          OFFICER CASTILLO:  No.

21          MR. BAPTISTE:  -- shuffled tables, or  
22 chairs?

23          OFFICER CASTILLO:  No.

24          MR. BAPTISTE:  Okay.

25          Thank you.

1 OFFICER CASTILLO: Thank you.

2 MR. SAPIENZA: I have no further questions.

3 Detective Musa, please step forward.

4 MR. DILLON: Please raise your right hand.

5 Do you swear the testimony you're about to  
6 give this Board is the whole truth?

7 DETECTIVE MUSA: Yes.

8 MR. DILLON: State your name and spell it  
9 for the record.

10 DETECTIVE MUSA: Michael Musa,  
11 M-I-C-H-A-E-L, last name, M-U-S-A.

12 MR. DILLON: M-U-S-A?

13 DETECTIVE MUSA: M-U-S-A.

14 MR. DILLON: Thank you.

15 MR. SAPIENZA: How long have you been a  
16 police officer in the employ of Union City?

17 DETECTIVE MUSA: Eight years.

18 MR. SAPIENZA: You were so employed on  
19 October 3<sup>rd</sup>, 2015?

20 DETECTIVE MUSA: Yes.

21 MR. SAPIENZA: Did you receive a report  
22 that there had been an assault that occurred at  
23 El Munequito Bar at 2105 Bergenline (sic) Avenue?

24 DETECTIVE MUSA: Yes.

25 MR. SAPIENZA: Did you go to that location?

1           I'm sorry. I said Bergenline, I meant  
2 Summit Avenue.

3           DETECTIVE MUSA: Summit Avenue. Yes.

4           MR. SAPIENZA: You -- did you go by  
5 yourself, or were you accompanied by any other  
6 officer when were went?

7           DETECTIVE MUSA: I believe I went by  
8 myself.

9           MR. SAPIENZA: When you got there, what did  
10 you see?

11          DETECTIVE MUSA: There was several officers  
12 -- the first person I met outside, was Bergbauer,  
13 he stated that there was an altercation at the  
14 bar. And that there was a -- they found the  
15 victims in the bathroom. And that a tavern check  
16 needed to be conducted.

17          MR. SAPIENZA: What's a tavern check?

18          DETECTIVE MUSA: We -- typically, we check  
19 the -- the paperwork, E141s, liquor license,  
20 occupancy license, the bar cards for the  
21 employees, the book of accounts, slips and  
22 receipts.

23          MR. SAPIENZA: So, there needs to be  
24 someone from the bar that you ask for this  
25 information.

1           DETECTIVE MUSA: Yes. Typically, an owner  
2 or a manger. If they're not available, then  
3 whoever is behind the bar.

4           MR. SAPIENZA: And who was available that  
5 you spoke with on this evening?

6           DETECTIVE MUSA: I don't remember the name.  
7 I know there was a female who basically gave me  
8 all the paperwork. I don't remember the name.

9           MR. SAPIENZA: And if you want to refer to  
10 your police report, you're able to do that in  
11 order to tell us the name.

12           Was it the owner of the bar?

13           DETECTIVE MUSA: Don't -- well, yeah.  
14 Ligia, L-I-G-I-A, Merlos, M-E-R-L-O-S.

15           That's who -- that's who I spoke to.

16           MR. SAPIENZA: What did you say to her, and  
17 what did she say to you?

18           DETECTIVE MUSA: Well, basically said I got  
19 the information from the police -- from the  
20 regular officers who were on scene. They -- they  
21 were taking the -- the assault report. So, I  
22 immediately started asking her to bring out all  
23 the papers. Same papers that I listed earlier.

24           Typically, the -- the normal, the E141, the  
25 license occupancy, the -- the book of accounts,

1 12-page, application. She started handing me  
2 what she had.

3 I also observed several people. I started  
4 asking who was the employees, and if I could have  
5 bar cards.

6 Some of them were not employees. There  
7 were two or three people that were sitting at the  
8 bar that were not employees. And she started  
9 giving me what she had.

10 MR. SAPIENZA: Was she able to supply you  
11 with all of the business records and documents  
12 that you asked her for?

13 DETECTIVE MUSA: No. There was some --  
14 there was some typical -- there was some items  
15 missing. Let's see if I remember.

16 I believe book of accounts were not  
17 correct, or not available. She did not have  
18 slips or receipts, and the current license was  
19 not displayed.

20 MR. SAPIENZA: Did she give you any -- any  
21 other information about where these documents  
22 could be obtained?

23 DETECTIVE MUSA: No. I believe she -- I'm  
24 trying to remember. I believe she said that the  
25 application at the time was being updated. She

1 | didn't give me anything else on the other ones.  
2 | She just stated something about the application,  
3 | I believe, was being updated.

4 |         MR. SAPIENZA: Do State regulations require  
5 | someone with a license to keep these records on  
6 | the premises, and to show them to any police  
7 | officer who may come to the premises and ask to  
8 | see them?

9 |         DETECTIVE MUSA: Yes.

10 |         MR. SAPIENZA: What happened next?

11 |         DETECTIVE MUSA: I also asked to see the  
12 | video. I asked them if the video was available  
13 | and operational. She said yes.

14 |         She gave me access to the surveillance  
15 | system. I went through it. The two cameras that  
16 | captured the incident were both outside. And I  
17 | quickly made a copy of them after viewing the  
18 | fact that the incident did occur in front of the  
19 | establishment.

20 |         MR. SAPIENZA: And did you bring that  
21 | video, the copy that you made, with you this  
22 | evening?

23 |         DETECTIVE MUSA: Yes.

24 |         MR. SAPIENZA: Can you play it? Can we  
25 | play it for the officer please?

1           Now, I want you to narrate, as this video  
2 happens, and feel free to ask someone to stop it,  
3 what's happening. What the location is.

4           DETECTIVE MUSA: Right where the gentleman  
5 with the suit, that's basically the entrance.  
6 There's a gentleman that comes out with a black  
7 tee shirt. You see him in the other camera. He,  
8 obviously, strikes that gentleman. Then he  
9 strikes a female.

10           It seems like the security guard came out  
11 after, tried to push him out of the way.

12           COMMISSIONER MARTINETTI: Which one is the  
13 security guard?

14           DETECTIVE MUSA: He doesn't come out yet.  
15 He's wearing a hat.

16           COMMISSIONER MARTINETTI: Oh, okay.

17           DETECTIVE MUSA: You'll see. He's wearing  
18 a hat.

19           But this is basically right directly in  
20 front of the establishment.

21           MR. SAPIENZA: That's El Munequito Bar?

22           DETECTIVE MUSA: Yes.

23           MR. SAPIENZA: Approximately what time did  
24 this occur on October 3<sup>rd</sup>?

25           DETECTIVE MUSA: Ten p.m., I believe.

1           Yeah. Ten p.m.

2           It was being pushed out by -- there's the  
3 security guard and the lady who pushed him out, I  
4 believe was the person behind the bar. They push  
5 them out of the way. They try to take him down  
6 to the corner. That's where you can go to the  
7 other camera.

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

10          MAYOR STACK: One security guard? There's  
11 one security guard?

12          DETECTIVE MUSA: Yes. There was one  
13 security guard.

14          That's him, basically, coming out of the  
15 bar. You see the top of his head. And kind of  
16 what happens on the other video.

17          MR. SAPIENZA: Continue to narrate what's  
18 --

19          DETECTIVE MUSA: This is --

20          MR. SAPIENZA: -- happening.

21          DETECTIVE MUSA: You see it on the other  
22 video. He tries to kiss her. She pushes him out  
23 of the way.

24          I believe somebody gets his jacket. One of  
25 the employees actually tries to take him down to

1 the corner. That's after you see the security  
2 guard come out.

3 And then, it continues on. More people  
4 come out of the bar and it just continues onto  
5 the corner.

6 Then you start seeing several people coming  
7 out of the bar.

8 That's when the lady behind the bar kind of  
9 pushes him out, gives him his jacket. The  
10 security guard comes out.

11 MAYOR STACK: The woman with the light  
12 color hair that's standing there now, waving her  
13 hand --

14 DETECTIVE MUSA: Yes.

15 MAYOR STACK: -- she's an employee?

16 DETECTIVE MUSA: Yes.

17 (Whereupon, there was a pause in the  
18 proceedings while the video was viewed.)

19 DETECTIVE MUSA: Then more people just keep  
20 coming out of the bar.

21 MR. SAPIENZA: What's happening now?

22 DETECTIVE MUSA: He's still trying to go  
23 back after the other gentleman that he struck  
24 initially.

25 People keep trying to push him back out to

1 the corner.

2 MAYOR STACK: Who called the police? Do we  
3 know who called the police on this -- on this --  
4 on this, Charlie?

5 DETECTIVE MUSA: I'm not sure who the  
6 initial caller was.

7 That's the security guard pushing him out  
8 of the back.

9 MAYOR STACK: Look at the amount of time  
10 that's lapsed here, too. No one calling the  
11 police or anything. It's unbelievable.

12 COMMISSIONER VALDIVIA: They should have  
13 called the police.

14 MAYOR STACK: Unbelievable.

15 Amount of people out here.

16 DETECTIVE MUSA: I don't know -- I don't  
17 know if you want to see the whole thing. Maybe  
18 go up by 20 seconds and you'll see the big fight.  
19 There you go.

20 Everybody starts hitting him.

21 MAYOR STACK: See this. Go back. Let's go  
22 back. Let's watch the thing. No matter how much  
23 time it takes --

24 DETECTIVE MUSA: Okay.

25 MAYOR STACK: -- let's watch this.

1           This is how people get seriously hurt.

2           DETECTIVE MUSA: Yeah. He hits the  
3 gentleman. Starts hitting everyone.

4           More people come out of the bar.

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

7           DETECTIVE MUSA: Couldn't find any more  
8 cameras, but I believe it continues. And after  
9 that, somebody got -- gets him out of the area.  
10 He never comes back. The gentleman with the  
11 black tee shirt.

12          COMMISSIONER MARTINETTI: And how long  
13 before you arrived from the first --

14          DETECTIVE MUSA: The -- I'm not --

15          COMMISSIONER MARTINETTI: -- the cop arrived  
16 -- officer?

17          DETECTIVE MUSA: I don't know -- I don't  
18 know the call out.

19          COMMISSIONER MARTINETTI: Do we know?

20          DETECTIVE SERGEANT DUNLAY: The recording  
21 would indicate the --

22          DETECTIVE MUSA: The call out?

23          COMMISSIONER MARTINETTI: Time of arrival?

24          (Whereupon, there was a pause in the  
25 proceedings.)

1 MR. SAPIENZA: Here's -- here's --

2 DETECTIVE MUSA: Okay.

3 Basically, the time reported was 22:29.  
4 So, ten minutes after that.

5 COMMISSIONER VALDIVIA: That took a long  
6 time.

7 MAYOR STACK: How much time?

8 DETECTIVE MUSA: Time reported is 22:29.  
9 So, ten minutes after the time on the camera.

10 MR. SAPIENZA: Did you confiscate any other  
11 evidence besides this copy of the video tape?

12 DETECTIVE MUSA: No, sir.

13 MR. SAPIENZA: Were any individuals charged  
14 with any crimes, as a result of this?

15 DETECTIVE MUSA: No. The -- the gentleman  
16 with the black tee shirt, he was not on scene.  
17 The two victims, they didn't want to cooperate,  
18 and while I was on scene, I asked if anybody knew  
19 the actor, and -- you know, I got the, no one  
20 knows him, never seen him before. So, couldn't  
21 get any information.

22 MAYOR STACK: Is there any question in your  
23 mind that the fight, the argument started inside  
24 the bar?

25 DETECTIVE MUSA: Yes. In the beginning of

1 the video, you actually see the top of his head  
2 coming out from the door, and he goes straight to  
3 the two -- from this video, you see the top of  
4 his head come out of the bar. And then, you go  
5 to the other video, he goes to the blond lady and  
6 the gentleman that he struck with the hat.

7           So, it must have started from then, he  
8 followed through.

9           MAYOR STACK: I agree. Okay.

10          MR. SAPIENZA: No further questions.

11          MR. BAPTISTE: Officer Musa, right?

12          DETECTIVE MUSA: (Indiscernible).

13          MR. BAPTISTE: Sorry?

14          DETECTIVE MUSA: Yes, sir.

15          MR. BAPTISTE: All right. Can you take us  
16 to exactly the part that you said that they came  
17 outside of the bar on the video?

18               (Whereupon, there was a pause in the  
19 proceedings.)

20          DETECTIVE MUSA: In the beginning, you see  
21 the top of his head come out.

22          MR. BAPTISTE: I'm sorry.

23               (Whereupon, there was a pause in the  
24 proceedings.)

25          DETECTIVE MUSA: Right in the beginning,

1 right here, in the bottom right corner, you'll  
2 see the gentleman's head come out.

3 You see partially of his face.

4 That's basically the door of the video --  
5 of the establishment.

6 There he is.

7 COMMISSIONER MARTINETTI: That's at 10:14?

8 MR. BAPTISTE: Wait. Wait.

9 Can you -- can you also look at the other  
10 angle of 10:14:32?

11 So, can you pause that for one second,  
12 please?

13 So, where exactly is the individual that is  
14 the assailant at this point?

15 DETECTIVE MUSA: He's flailing his hands,  
16 but I believe he goes back in, and then comes  
17 out.

18 MR. BAPTISTE: So, is it your testimony  
19 he's actually outside of the bar at this point?

20 DETECTIVE MUSA: At this point, yeah.

21 MR. BAPTISTE: And this is before you saw  
22 the --

23 DETECTIVE MUSA: Top of his head? Yes.

24 MR. BAPTISTE: Top of his head.

25 DETECTIVE MUSA: Yes.

1 MR. BAPTISTE: Which was 10:14:32.

2 Correct?

3 DETECTIVE MUSA: Okay. Yeah.

4 MR. BAPTISTE: Can you continue playing  
5 that, Officer Dunlay?

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

8 MR. BAPTISTE: Okay. Can -- can you stop  
9 it again?

10 All right. So, this is 10:14:32.

11 DETECTIVE MUSA: Okay.

12 MR. BAPTISTE: Do you see the individual,  
13 the assailant, ever entering the bar?

14 DETECTIVE MUSA: At this moment, no.

15 MR. BAPTISTE: So, your previous statement  
16 that he was inside of the bar, does this angle  
17 give you a better view of where he actually was?

18 DETECTIVE MUSA: Yeah. I guess from the  
19 other camera, the awning must have been covering  
20 it.

21 MR. BAPTISTE: Okay. So, based on the  
22 actual video, do you know if whether this  
23 individual was inside of the bar?

24 DETECTIVE MUSA: No, not from the video  
25 that I saw.

1 MR. BAPTISTE: Okay. All right.

2 So, you -- did you write the report for the  
3 night of this incident?

4 DETECTIVE MUSA: The tavern check.

5 MR. BAPTISTE: Did you -- and the police  
6 report indicates that you're the reporting  
7 officer.

8 DETECTIVE MUSA: This is the supplemental  
9 report. The reporting officer on the initial  
10 would be the --

11 MR. BAPTISTE: Castillo?

12 DETECTIVE MUSA: Yes.

13 MR. BAPTISTE: Okay.

14 DETECTIVE MUSA: That's the initial it says  
15 in there.

16 MR. BAPTISTE: Okay.

17 DETECTIVE MUSA: But also, the indication  
18 that he should have been in the bar was when --

19 MR. BAPTISTE: Oh, oh, we'll just --

20 DETECTIVE MUSA: Okay. I'm just trying to  
21 --

22 MR. BAPTISTE: We'll -- we'll continue.  
23 We'll get that on redirect. Okay?

24 DETECTIVE MUSA: All right.

25 MR. BAPTISTE: All right. Did you make a

1 request for a video inside of the bar?

2 DETECTIVE MUSA: Yes. I asked her, I'd  
3 like to see the video. She stated yes.

4 MR. BAPTISTE: So, did you get a chance to  
5 see inside of the bar video?

6 DETECTIVE MUSA: Oh, the inside -- no.

7 MR. BAPTISTE: Yeah.

8 DETECTIVE MUSA: No. I was, basically,  
9 looking for where the altercation happened. And  
10 it was camera one and two.

11 Not a hundred percent sure if there was a  
12 video inside. I can't remember if there was.  
13 I'm not sure.

14 MR. BAPTISTE: Okay.

15 So, did you get a chance to see the  
16 incident? And at that point, you decided to take  
17 certain video views?

18 DETECTIVE MUSA: Yeah. I recorded,  
19 basically, from the beginning of the altercation  
20 to the end.

21 MR. BAPTISTE: Okay.

22 DETECTIVE MUSA: Like I said, I don't  
23 remember if there was camera inside. I can't  
24 recall.

25 MR. BAPTISTE: Okay. No problem.

1           But you didn't see -- did you get a chance  
2 to see all the camera views that El Munequito  
3 had?

4           DETECTIVE MUSA: Yeah.

5           MR. BAPTISTE: Okay.

6           DETECTIVE MUSA: I really don't remember  
7 which ones they were. But yes.

8           MR. BAPTISTE: All right. No problem.

9           Okay. You were the one who did the tavern  
10 check.

11          Correct?

12          DETECTIVE MUSA: Yes.

13          MR. BAPTISTE: And you're the one who wrote  
14 this report.

15          Correct?

16          DETECTIVE MUSA: Yes.

17          MR. BAPTISTE: That listed -- I mean, you  
18 listed the things that are missing.

19          DETECTIVE MUSA: Yes.

20          MR. BAPTISTE: Okay.

21          In reference to delivery receipts and  
22 invoices, you indicated that you wrote a special  
23 note.

24          Can you just read that into the record, so  
25 that everyone knows?

1           DETECTIVE MUSA: Liquor purchase receipts  
2 only showed six pack of Hennessy VS, 12 pack  
3 Hennessy VSOP, and a six pack of Patron Silver  
4 for the month of August.

5           One bottle Johnny Walker Blue for the month  
6 of September.

7           Bar displayed numerous bottles, which  
8 appeared to be new, that were not listed on any  
9 of the receipts shown.

10          MR. BAPTISTE: Okay.

11          And based on your note, was that how you  
12 concluded that the delivery slips and invoices  
13 were not accurate?

14          DETECTIVE MUSA: Yes.

15          MR. BAPTISTE: Okay.

16          Did you do a cross reference with previous  
17 purchases, from six months prior or a year prior,  
18 to see if the inventory assessment was accurate?

19          DETECTIVE MUSA: She showed me, I -- I  
20 don't remember how many months it was, but  
21 basically from what I saw, there was -- there was  
22 a lot of alcohol missing.

23          From what was on the bar to the receipts  
24 that she showed me, there was -- it wasn't  
25 matching, from the receipts that I physically

1 saw.

2 MR. BAPTISTE: Well --

3 DETECTIVE MUSA: It was not matching.

4 MR. BAPTISTE: But inventory control of  
5 alcohol, would that be directly related to sale  
6 of alcohol?

7 DETECTIVE MUSA: I'm sorry.

8 MR. BAPTISTE: Okay. I'll rephrase my  
9 question.

10 DETECTIVE MUSA: Yes.

11 MR. BAPTISTE: For the inventory of this  
12 bar to go down --

13 DETECTIVE MUSA: Um hum.

14 MR. BAPTISTE: -- would that be connected  
15 with the amount of alcohol that this bar sold?

16 DETECTIVE MUSA: Yes. I mean, if they're  
17 showing X amount of dollars of alcohol being  
18 sold, and it doesn't reflect on the -- the  
19 purchasing, or the physical liquor, then it's  
20 really not making math on how much they're  
21 selling to how much is there, doesn't add up.

22 MR. BAPTISTE: Okay.

23 And if -- if -- do you know what hours that  
24 El Munequito is allowed to stay open?

25 DETECTIVE MUSA: Off the top of my head, I

1 don't know.

2 MR. BAPTISTE: Okay.

3 When you made your assessment of the  
4 inventory of alcohol relative to the liquor  
5 purchase receipts --

6 DETECTIVE MUSA: Um hum.

7 MR. BAPTISTE: -- were you doing it in  
8 reference to how a regular bar would function?

9 DETECTIVE MUSA: I was doing it in  
10 reference to -- well, basically, the paperwork  
11 that they were showing me.

12 I mean, for instance, if they purchased a  
13 hundred dollars worth of liquor, and they sold a  
14 hundred dollars worth of liquor, then there  
15 should be a lot more alcohol there, or missing,  
16 regardless of --

17 But I was basically doing it from the  
18 physical alcohol that was there --

19 MR. BAPTISTE: Yup.

20 DETECTIVE MUSA: -- to -- to the alcohol  
21 that was on purchase receipt, to the -- to the  
22 sale amount.

23 And either the book of accounts were not  
24 adding up, but they were both -- they were not  
25 showing each other's -- you know, they were not

1 | mirroring each other.

2 |         So, they -- they were not making sense to  
3 | each other.

4 |         MR. BAPTISTE: Okay. Did you take, I  
5 | guess, any pictures in reference to the book of  
6 | receipts, in reference to --

7 |         DETECTIVE MUSA: I'll tell you right now.

8 |         MR. BAPTISTE: That's fine. That's fine.

9 |         DETECTIVE MUSA: Okay. I'm sorry.

10 |         MR. BAPTISTE: I'm sorry. I just --

11 |         DETECTIVE MUSA: Well, because I -- I put  
12 | something into evidence. I'm trying to see if --  
13 | if that was the pictures that I might have taken.

14 |         Let's see.

15 |         Yeah. I did take photos.

16 |         MR. BAPTISTE: All right.

17 |         DETECTIVE MUSA: I don't have it on me  
18 | right now.

19 |         MR. BAPTISTE: Okay.

20 |         So, if El Munequito's sales are very low,  
21 | would that make sense that their purchases are  
22 | relatively low?

23 |         DETECTIVE MUSA: Yes. If they're not  
24 | selling as much, then they shouldn't be buying as  
25 | much. Yes.

1 MR. BAPTISTE: Okay.

2 And even if they have full bottles of  
3 alcohol on the bar, those bottles -- I mean,  
4 could those bottles be old bottles, over -- you  
5 know, that have just been there for extended  
6 period of time?

7 DETECTIVE MUSA: There's a possibility.  
8 They better show up on the -- some kind of  
9 receipt that they showed me.

10 MR. BAPTISTE: Well, you only looked at a  
11 couple months back.

12 DETECTIVE MUSA: I looked at what they  
13 showed me.

14 MR. BAPTISTE: So, what is the requirement  
15 of how much -- how many months do they have to  
16 show you of their inventory?

17 DETECTIVE MUSA: I don't think there is a  
18 requirement, but they -- they -- if they have the  
19 liquor there, then they should account for it.  
20 That's -- if you're telling me that the bottle of  
21 liquor was there for a year, then they should  
22 have something indicating that they purchased it  
23 a year ago.

24 It should -- they should at least show  
25 where the bottle came from.

1 MR. BAPTISTE: Okay.

2 But it is your testimony that they did show  
3 you several months of -- of receipts.

4 Correct?

5 DETECTIVE MUSA: They -- they showed me --  
6 yeah. It just wasn't -- it was missing a lot.  
7 The receipts were not adding up to what they  
8 physically had, yes.

9 MR. BAPTISTE: Okay. All right.

10 In reference to El Munequito's license, you  
11 indicated that the owner of the bar showed you a  
12 receipt for the license renewal.

13 Correct?

14 You could review your -- your actual notes  
15 to --

16 (Whereupon, there was a pause in the  
17 proceedings.)

18 DETECTIVE MUSA: Yeah. She showed me a  
19 City receipt. Yes.

20 MR. BAPTISTE: Okay.

21 DETECTIVE MUSA: And actually --

22 MR. BAPTISTE: Do you know the hist -- do  
23 you know whether or not El Munequito has a  
24 physical license at this time?

25 DETECTIVE MUSA: At this time, I don't

1 know.

2 MR. BAPTISTE: Okay. So, in the -- in the  
3 event -- if she does not have a physical license,  
4 would the receipt reflect that she's current with  
5 payments to the City in reference to her license?

6 DETECTIVE MUSA: Wait. Let me see. The  
7 receipt was from -- the receipt was from 6/30/15.  
8 So, I'm assuming that it should be, but she  
9 should still have the -- she should still have  
10 the account -- I'm sorry, the license. By that  
11 time, she should have the license, yes.

12 MR. BAPTISTE: Well, if -- if she  
13 physically has it from Trenton.

14 DETECTIVE MUSA: Yeah. She should have it.  
15 Yes.

16 MR. BAPTISTE: Okay.

17 DETECTIVE MUSA: She should have it now.  
18 Yeah.

19 MR. BAPTISTE: To your understanding --

20 DETECTIVE MUSA: Yeah.

21 MR. BAPTISTE: -- she should have it.

22 Okay. No problem.

23 All right. And so, in reference to the  
24 books of accounts, is that directly connected  
25 with the inventory mix/match that you believe

1 exist?

2 DETECTIVE MUSA: Yes.

3 MR. BAPTISTE: Okay.

4 And outside of these three components, in  
5 reference to the tavern check, everything else  
6 was -- was together and correct.

7 DETECTIVE MUSA: Yes.

8 MR. BAPTISTE: Okay.

9 No further questions.

10 (Whereupon, there was a pause in the  
11 proceedings.)

12 MR. SAPIENZA: That completes our  
13 presentation in this particular case.

14 MR. BAPTISTE: I would like to call the  
15 security guard up to the mic.

16 It's Jorge Wade -- Wade. He was the  
17 security officer for that --

18 MAYOR STACK: Does he need a translator?

19 A VOICE: Yes, he does.

20 MR. BAPTISTE: He does.

21 MAYOR STACK: We -- we have a translator.

22 A VOICE: Okay.

23 MR. BAPTISTE: Oh, perfect. Yes.

24 (Whereupon, there was a pause in the  
25 proceedings.)

1 MAYOR STACK: Can you swear him in?

2 MR. DILLON: Yeah. I'm trying -- swear in  
3 the translator as well?

4 MAYOR STACK: Yes.

5 MR. DILLON: First, let me swear in Mr.  
6 Wade.

7 MS. NOVA: Swear in the interpreter first.

8 MR. DILLON: Okay.

9 Please raise your right hand.

10 Do you swear the testimony you're about to  
11 translate for this Board is the whole truth?

12 MR. SANABRIA-MORALES: Yes.

13 MR. DILLON: State your name, spell it for  
14 the record.

15 MR. SANABRIA-MORALES: Sure.

16 Daniel Sanabria-Morales. First name is  
17 Daniel, D-A-N-I-E-L. Last name Sanabria dash  
18 Morales, S-A-N-A-B as in boy, R-I-A, dash  
19 M-O-R-A-L-E-S.

20 (Whereupon, Daniel Sanabria-Morales  
21 interpreted for Jorge Wade.)

22 MR. DILLON: Okay. Thank you.

23 And now, I'm going to swear in Mr. Wade.

24 Please raise your right hand.

25 Do you swear the testimony you're about to

1 give this Board is the whole truth?

2 THE INTERPRETER: Yes.

3 MR. DILLON: State your name and spell it  
4 for the record.

5 THE INTERPRETER: Jorge, J-O-R-G (sic),  
6 Wade, W-A-D-E.

7 MR. DILLON: Thank you.

8 MR. BAPTISTE: Mr. -- Mr. Wade, do you work  
9 at the bar El Munequito?

10 THE INTERPRETER: Miguelino.

11 MR. BAPTISTE: Yes. Okay.

12 And how long have you been working there?

13 THE INTERPRETER: I've been there for three  
14 months.

15 MR. BAPTISTE: And what exactly do you do  
16 at that bar?

17 THE INTERPRETER: Security, as far as when  
18 the customers walk in, check them in.

19 And make sure that there are no problems in  
20 the area.

21 MR. BAPTISTE: And were you working on the  
22 night of October 3<sup>rd</sup>, 2015?

23 THE INTERPRETER: Yes.

24 MR. BAPTISTE: And was there an incident  
25 that took place that night outside of the bar?

1 THE INTERPRETER: Yes. Outside of the bar.

2 MR. BAPTISTE: Did you get a chance to see  
3 the video?

4 THE INTERPRETER: Yes.

5 MR. BAPTISTE: All right. Well, can you  
6 just describe to this Board what -- if anything  
7 transpired inside of the bar?

8 THE INTERPRETER: Inside the bar, the guy  
9 who wanted to start a fight. I took him outside.  
10 I took him outside. I went back inside to make  
11 sure there were no other problems with -- with  
12 the other people.

13 When I came back out to the door, I saw  
14 that some kind of altercation or struggle had  
15 started.

16 But it happened with some people that were  
17 waiting for a taxi cab. And from thereon, I  
18 separated them and the female owner also came out  
19 to separate them, as well.

20 So, I called the police. I reported that.  
21 And then we separated the -- these individuals  
22 again, because they wanted to continue on  
23 fighting.

24 Again, we called the police. They  
25 indicated that this had been reported again.

1           We took this guy to the corner. We brought  
2 -- we brought the couple back into the bar while  
3 those other guys left.

4           MR. BAPTISTE: Okay.

5           How many times did -- did you call the  
6 police?

7           THE INTERPRETER: Twice.

8           MR. BAPTISTE: Okay.

9           When you saw the video, did you see  
10 yourself in the video?

11          THE INTERPRETER: Yes.

12          MR. BAPTISTE: And did you see yourself  
13 with your phone in your hand?

14          THE INTERPRETER: Exactly. That's when I  
15 was calling the police.

16          MR. BAPTISTE: And you had your phone in  
17 hand how many times?

18          MR. SANABRIA-MORALES: I'm sorry. Can you  
19 repeat that?

20          MR. BAPTISTE: How many times did you have  
21 your phone in your hand?

22          THE INTERPRETER: Three times. For almost  
23 the whole time.

24          MR. BAPTISTE: And I'm going to ask if you  
25 can play the video.

1           The other side.

2           (Whereupon, there was a pause in the  
3 proceedings.)

4           MR. BAPTISTE: Okay. Back it up. Back --  
5 can you back it up?

6           Okay.

7           MR. DILLON: Sir, I just need you closer to  
8 the microphone. I'm sorry.

9           MR. BAPTISTE: I'm sorry.

10          Mr. Wade, can you just summarize when you  
11 realized that this happened?

12          THE INTERPRETER: When I came over there, I  
13 -- I told the -- the individual to get away or I  
14 would call the police.

15          MR. BAPTISTE: Okay. And did you actually  
16 call the police right there?

17          THE INTERPRETER: Exactly. At that moment,  
18 I did.

19          (Whereupon, there was a pause in the  
20 proceedings.)

21          THE INTERPRETER: He came back -- he walked  
22 back from the fight. So, I took him -- I took  
23 him -- physically, I took him to the corner.

24          (Whereupon, there was a pause in the  
25 proceedings while the video was viewed.)

1           MR. BAPTISTE: So, by the time that this  
2 second incident started to happen, did you  
3 already call the police?

4           THE INTERPRETER: No. At that moment, I  
5 pull out my phone to call them.

6           You can see right there when -- when I had  
7 the phone on me and I was calling them.

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

10          MR. BAPTISTE: Mr. Wade, the police report,  
11 the supplemental police report indicates that the  
12 victims were assaulted inside of the bar.

13          Is that correct?

14          THE INTERPRETER: No.

15          MR. BAPTISTE: Why did you kick the patron  
16 in the black shirt, out of the bar?

17          THE INTERPRETER: He want -- he wanted to  
18 start a fight with the guys that were in the back  
19 of where -- where the pool tables are located.

20          So, I notice that and I -- and I took him  
21 out. Took him outside.

22          MR. BAPTISTE: And the people that are  
23 waiting for a cab, how do you know that they're  
24 waiting for a cab?

25          THE INTERPRETER: Because the female owner

1 | also always calls the taxi cab for them.

2 |           MR. BAPTISTE: And did they have any  
3 | incidents with this individual inside the bar  
4 | before they went outside?

5 |           THE INTERPRETER: No.

6 |           MR. BAPTISTE: And so, the -- the party  
7 | that was outside waiting for a cab, they weren't  
8 | coming back into the bar?

9 |           THE INTERPRETER: They were already waiting  
10 | for a taxi cab in order to leave.

11 |           MR. BAPTISTE: Do you know if they paid  
12 | their receipt?

13 |           THE INTERPRETER: Yeah. They had already  
14 | paid.

15 |           They even say good-bye to me.

16 |           MR. BAPTISTE: So, the individual that  
17 | started the fight also was not coming back to the  
18 | bar that night?

19 |           THE INTERPRETER: No. When I took him out  
20 | -- outside, I locked the second door.

21 |           MR. BAPTISTE: And do you know how long it  
22 | -- what was the time between the time you kicked  
23 | them out and when you noticed that an altercation  
24 | was happening?

25 |           THE INTERPRETER: Maybe five minutes.

1           MR. BAPTISTE: And when you kicked him out,  
2 did you see if he was walking away from the bar?

3           THE INTERPRETER: When I took him outside,  
4 I told him to not pick -- pick fights or look for  
5 trouble, because I wasn't going to fight him. I  
6 just wanted to -- I was just going to call the  
7 police.

8           That's when he started walking towards the  
9 corner and I wanted to walk back to look at the  
10 other guys -- the other people to make sure that  
11 -- that they were okay.

12          MR. BAPTISTE: And how many people were at  
13 the bar that -- at that time?

14          THE INTERPRETER: About 20 people.

15          MR. BAPTISTE: Okay. And how late is the  
16 bar open for? Typically.

17          THE INTERPRETER: 10:50.

18          MR. BAPTISTE: All right.

19          Nothing further.

20          MR. SAPIENZA: Now, Mr. Wade, when was your  
21 first day on the job?

22          THE INTERPRETER: That was three months  
23 ago.

24          MR. SAPIENZA: So, what month was that?

25          THE INTERPRETER: I started in August. In

1 August.

2 MR. SAPIENZA: Who hired you?

3 THE INTERPRETER: The female owner. Her  
4 name is Ligia.

5 MR. SAPIENZA: Had you had any training as  
6 a security person?

7 THE INTERPRETER: I had worked in --  
8 previously in other bars.

9 MR. SAPIENZA: In Union City?

10 THE INTERPRETER: No.

11 MR. SAPIENZA: Where?

12 THE INTERPRETER: In West New York and  
13 Guttenberg.

14 MR. SAPIENZA: Besides that employment, did  
15 you get any training from anyplace?

16 THE INTERPRETER: No.

17 MR. SAPIENZA: Have you ever been in the  
18 service? Military service?

19 THE INTERPRETER: No.

20 MR. SAPIENZA: Have you ever been a police  
21 officer or a security guard with a company?

22 THE INTERPRETER: A security guard, but  
23 back in my country.

24 MR. SAPIENZA: What country is that?

25 THE INTERPRETER: Guatemala.

1 MR. SAPIENZA: Did you work at El Munequito  
2 every night of the week?

3 THE INTERPRETER: No. From Friday through  
4 Sunday.

5 MR. SAPIENZA: Were other people also  
6 working during the time you were working, as  
7 security persons?

8 THE INTERPRETER: You're talking about at  
9 that -- at the El Miguelino place?

10 MR. SAPIENZA: Yes.

11 THE INTERPRETER: No. No, just me.

12 MR. SAPIENZA: What time did you start on  
13 Friday night?

14 THE INTERPRETER: At seven p.m.

15 MR. SAPIENZA: And what time did you start  
16 on Saturday night?

17 THE INTERPRETER: At seven p.m.

18 MR. SAPIENZA: And on Sunday?

19 THE INTERPRETER: Seven p.m.

20 MR. SAPIENZA: And you work until closing?

21 THE INTERPRETER: Yes.

22 MR. SAPIENZA: When you arrived at  
23 Miguelino, on October 3<sup>rd</sup>, was it seven p.m.?

24 THE INTERPRETER: Yes.

25 MR. SAPIENZA: How many patrons were there

1 at seven p.m.?

2 THE INTERPRETER: Like 20.

3 MR. SAPIENZA: And was the person who  
4 started this fight there when you started work?

5 How long had he been there before you came  
6 to work?

7 THE INTERPRETER: I couldn't tell you.

8 MR. SAPIENZA: A long time?

9 THE INTERPRETER: Maybe.

10 MR. SAPIENZA: Was he -- was he with any --  
11 anyone? A woman?

12 THE INTERPRETER: No.

13 MR. SAPIENZA: Was he by himself?

14 THE INTERPRETER: He was with a cousin.

15 Male cousin.

16 MR. SAPIENZA: What was the cousin's name?

17 THE INTERPRETER: I don't have a clue.

18 MR. SAPIENZA: Did you have conversations  
19 with him during the time that he was at the bar  
20 and you were at the bar?

21 THE INTERPRETER: No.

22 MR. SAPIENZA: Was he drinking?

23 THE INTERPRETER: Yes.

24 MR. SAPIENZA: What was he drinking?

25 THE INTERPRETER: Beer.

1 MR. SAPIENZA: What kind of beer?

2 THE INTERPRETER: Corona.

3 MR. SAPIENZA: Did he drink a lot of beer?

4 THE INTERPRETER: I couldn't tell you. I  
5 look at all the people the same way.

6 MR. SAPIENZA: And when I looked at this  
7 video, he looked drunk.

8 Was he drunk?

9 THE INTERPRETER: To be fighting in the way  
10 that he was fighting, he didn't -- he didn't seem  
11 too drunk.

12 MR. SAPIENZA: But did he strike you?

13 THE INTERPRETER: No.

14 MR. SAPIENZA: Did he hit other people?

15 THE INTERPRETER: As far as the people that  
16 I saw, it was just limited to the couple.

17 MR. SAPIENZA: I saw him knock somebody  
18 down on the ground.

19 THE INTERPRETER: I just saw that in the  
20 video, as well.

21 MR. SAPIENZA: So, he did knock somebody  
22 down on the ground.

23 So, would a sober person do that?

24 THE INTERPRETER: Yes.

25 MR. SAPIENZA: Did you ever do that?

1 THE INTERPRETER: Yes.

2 MR. SAPIENZA: Would you say that that was  
3 a dangerous situation that happened right outside  
4 of El Munequito?

5 THE INTERPRETER: Yes.

6 MR. SAPIENZA: No weapons were used,  
7 though.

8 THE INTERPRETER: No.

9 MR. SAPIENZA: Did you have a weapon?

10 THE INTERPRETER: No.

11 MR. SAPIENZA: Oh, were you carrying any  
12 pepper spray or disarming thing?

13 THE INTERPRETER: That's not allowed.

14 MR. SAPIENZA: But this person was there  
15 when you started work?

16 THE INTERPRETER: Yes.

17 MR. SAPIENZA: And was there when an  
18 argument started inside the bar.

19 THE INTERPRETER: You're talking about this  
20 person was there when the fight started or --

21 MR. SAPIENZA: Yes.

22 THE INTERPRETER: Well, he wanted to start  
23 a fight with other people.

24 MR. SAPIENZA: How did you know that? What  
25 did he do?

1           THE INTERPRETER: Because I -- I go -- I do  
2 my rounds around the bar, consistently.

3           Yeah. He was already talking excite --  
4 excitedly or loudly with other people.

5           MR. SAPIENZA: Isn't that what people who  
6 have had too much to drink do?

7           THE INTERPRETER: A little bit.

8           MR. SAPIENZA: Did you identify him as a  
9 person who would cause trouble?

10          THE INTERPRETER: Exactly.

11          MR. SAPIENZA: Did you speak to Mrs. Merlos  
12 about him?

13          THE INTERPRETER: Yes.

14          MR. SAPIENZA: What did she say to you?

15          THE INTERPRETER: I told her that he was  
16 already too drunk and that he was talking loudly,  
17 excitedly with the other patrons.

18          That's when I was told to take him out.

19          MR. SAPIENZA: Were you worried that it  
20 would be difficult to take him out yourself? You  
21 were all by yourself.

22          THE INTERPRETER: No.

23          MR. SAPIENZA: Now, when the police got  
24 there, you were still there.

25          Right?

1 THE INTERPRETER: When the police came?

2 MR. SAPIENZA: Yes. When the police came,  
3 you were still there.

4 THE INTERPRETER: Yes. I was still there.

5 MR. SAPIENZA: And the police found two  
6 people fixing up some slight injuries that they  
7 received in the bathroom.

8 THE INTERPRETER: That was -- that was a  
9 couple that came inside to clean themselves up.

10 MR. SAPIENZA: They had been outside?

11 THE INTERPRETER: Yeah. The -- the ones  
12 who were waiting for the taxi cab.

13 MR. SAPIENZA: They had been, though, in  
14 the bar previously.

15 Correct?

16 THE INTERPRETER: Exactly.

17 MR. SAPIENZA: Did you notice whether they  
18 were bleeding from any cuts or scrapes?

19 THE INTERPRETER: No.

20 MR. SAPIENZA: Were they waiting for the  
21 police to come?

22 THE INTERPRETER: No. We -- we asked them  
23 -- we asked them to come inside so they didn't  
24 have -- so they wouldn't have this altercation  
25 with a person outside.

1           MR. SAPIENZA: You were trying to protect  
2 them?

3           THE INTERPRETER: Exactly.

4           MR. SAPIENZA: When you asked them to come  
5 inside, you recognized they were in danger?

6           THE INTERPRETER: Exactly.

7           MR. SAPIENZA: Why didn't you call the  
8 police when you recognized that?

9           THE INTERPRETER: I had already called them  
10 twice. And that was after the fight, which is  
11 when we asked them to come back in.

12          MR. SAPIENZA: All right. That's all I  
13 have.

14          Excuse me.

15          (Whereupon, there was a pause in the  
16 proceedings.)

17          MR. SAPIENZA: I'd like to resume.

18          You used your cell phone to call the  
19 police?

20          THE INTERPRETER: Exactly. In the -- in  
21 the video, you can see, towards the end that --  
22 that I called the cops.

23          They even told me that this had been  
24 already reported.

25          MR. SAPIENZA: Right. So, you used your

1 | cell phone. What -- what's the number of the  
2 | cell -- of your cell phone?

3 | THE INTERPRETER: 201-257-2462.

4 | MR. SAPIENZA: So, your cell phone would  
5 | show that you called that number?

6 | Oh, and other cameras. Are there other  
7 | cameras in El Munequito?

8 | THE INTERPRETER: From inside the bar,  
9 | cameras. Yes.

10 | MR. SAPIENZA: Did you look at those  
11 | cameras for what may have happened inside the  
12 | bar?

13 | THE INTERPRETER: Yes.

14 | MR. SAPIENZA: Did you notice this  
15 | particular individual being excited?

16 | THE INTERPRETER: No. I always go, do my  
17 | round, go around once. And that's how I notice  
18 | that he was behaving excitedly.

19 | MR. SAPIENZA: Were there cameras inside  
20 | the bar that recorded how he was behaving?

21 | THE INTERPRETER: Yes.

22 | MR. SAPIENZA: Have you seen what those  
23 | cameras recorded?

24 | THE INTERPRETER: No. Just the ones on the  
25 | outside.

1 MR. SAPIENZA: All right. That's all I  
2 have.

3 Thank you.

4 MR. BAPTISTE: We'd like to call Ms.  
5 Merlos, who is the owner of El Munequito.

6 MR. SANABRIA-MORALES: I need to serve as  
7 the translator.

8 (Whereupon, Daniel Sanabria-Morales  
9 interpreted for Ligia Merlos.)

10 MR. DILLON: Please raise your right hand.  
11 Do you swear the testimony you're about to  
12 give this Board is the whole truth?

13 THE INTERPRETER: Yes.

14 MR. DILLON: State your name and spell it  
15 for the record.

16 THE INTERPRETER: Ligia Merlos. L-I-G-I-A,  
17 -- M-E-R-L-O-S.

18 MR. DILLON: Thank you.

19 MR. BAPTISTE: Ms. Merlos, do you own a bar  
20 in the City of Union City?

21 THE INTERPRETER: Yes.

22 MR. BAPTISTE: What's the name of your bar?

23 THE INTERPRETER: El Miguelino.

24 MR. BAPTISTE: Where is your bar located?  
25 What's the address?

1           THE INTERPRETER: 2103 Summit Avenue, Union  
2 City.

3           MR. BAPTISTE: How many days a week is your  
4 bar open?

5           THE INTERPRETER: Five days.

6           MR. BAPTISTE: Which days?

7           THE INTERPRETER: I only close -- close the  
8 bar on Tuesdays. Oh, so one day.

9           MR. BAPTISTE: Okay.

10          MAYOR STACK: What day of the week is the  
11 bar closed?

12          THE INTERPRETER: On Tuesdays.

13          MAYOR STACK: So, your bar is open six days  
14 a week?

15          THE INTERPRETER: Yes. Six days.

16          MR. BAPTISTE: What are your hours of  
17 operation?

18          THE INTERPRETER: Monday through Thursday,  
19 from 12 to 10:30.

20          And Friday, Saturday and Sunday, from 12 to  
21 11.

22          MR. BAPTISTE: Why are you only open until  
23 10:30 on Monday through Thursdays, and 11 from  
24 Fridays to Sundays?

25          THE INTERPRETER: Because of a punishment

1 or a fine that was imposed on me.

2 And that was -- it was a punishment for 105  
3 days, and out of those 105 days, it's already  
4 turned into three years already.

5 MR. BAPTISTE: Were you at your bar on the  
6 night of October 3<sup>rd</sup>, 2015?

7 THE INTERPRETER: Yes.

8 MR. BAPTISTE: What time did you arrive at  
9 your bar that day?

10 THE INTERPRETER: At four.

11 MR. BAPTISTE: When you arrived at your  
12 bar, was there any individuals in the bar acting  
13 out of character?

14 THE INTERPRETER: No.

15 MR. BAPTISTE: Was there any individuals  
16 acting dangerously?

17 THE INTERPRETER: No.

18 MR. BAPTISTE: Did you get an opportunity  
19 to see the video --

20 THE INTERPRETER: Yes.

21 MR. BAPTISTE: -- of the incident that  
22 happened outside of your bar?

23 THE INTERPRETER: Yes.

24 MR. BAPTISTE: Did you get a chance to see  
25 the individual in the black shirt?

1 THE INTERPRETER: Yes.

2 MR. BAPTISTE: Was he at your bar?

3 THE INTERPRETER: Yes.

4 MR. BAPTISTE: Do you know what time he  
5 came to your bar?

6 THE INTERPRETER: I asked the -- I asked  
7 the female employee who opens in the morning  
8 time, and she said that he had arrived at 3:30.

9 MR. BAPTISTE: Do you know if he stayed at  
10 your bar the entire night?

11 THE INTERPRETER: Well, he was playing pool  
12 in the back. And from there, he -- and from  
13 there he would approach the bar, and have a beer.  
14 Have his beer.

15 MR. BAPTISTE: Do you know if he ever left  
16 the bar that night?

17 THE INTERPRETER: He -- he stepped outside,  
18 and then he came back in normally.

19 MR. BAPTISTE: So, your testimony, you  
20 arrived at four -- at four o'clock that day.  
21 Right?

22 THE INTERPRETER: No. No. He arrived at  
23 3:30, and I'm the one who arrived at four.

24 MR. BAPTISTE: And between the hours of  
25 four and ten o'clock, do you know how many beers

1 | you served him?

2 |           THE INTERPRETER: I couldn't tell you.

3 | Because he was playing pool. He wasn't sitting  
4 | down at the bar drinking, he was playing pool.

5 |           MR. BAPTISTE: Do you know, at some point,  
6 | did he start acting intoxicated?

7 |           THE INTERPRETER: No, because he was calm.  
8 | Just playing.

9 |           MR. BAPTISTE: At some point in that night,  
10 | do you know whether or not he got kicked out of  
11 | your bar?

12 |           THE INTERPRETER: That happened later. But  
13 | earlier in the day, he was calm.

14 |           MR. BAPTISTE: Okay. So, why was he kicked  
15 | out of your bar?

16 |           THE INTERPRETER: Because he was bothering  
17 | -- because he was bothering a couple that was  
18 | there, that -- a couple that was just talking  
19 | right there.

20 |           That's why -- that's why security kicked  
21 | him out, because he was bothering them.

22 |           MR. BAPTISTE: And was it the -- did you  
23 | see on the video that there was a couple standing  
24 | outside?

25 |           THE INTERPRETER: Yes.

1           MR. BAPTISTE: Was it the same couple that  
2 he was bothering?

3           THE INTERPRETER: Yes. The same couple,  
4 because they arrived in order to eat. And after  
5 they ate, the -- the other guy asked me, Ligia,  
6 can you call me a taxi cab? And I said, yes.

7           Well, I told them, the cab driver told me  
8 that in ten minutes he'll be arriving.

9           So -- so, he said, okay. We'll wait for  
10 him outside.

11          MR. BAPTISTE: And do you know whether or  
12 not you kicked the guy with the black shirt out  
13 before you called the taxi for these individuals?

14          THE INTERPRETER: Yes. I had called a taxi  
15 cab before.

16          I had called the taxi cab before.

17          MR. BAPTISTE: Okay.

18          Was there any physical altercation that  
19 happened inside of the actual bar?

20          THE INTERPRETER: No.

21          MR. BAPTISTE: And when you said that he  
22 was bothering the couple --

23          THE INTERPRETER: Yeah. Just bothering  
24 them, but with -- with words, verbally with --  
25 like aggressive words.

1 MR. BAPTISTE: Okay.

2 Did you -- did you realize that the couple  
3 was outside, at the time you kicked this  
4 individual out?

5 MR. SANABRIA-MORALES: I'm sorry. Can you  
6 repeat that question?

7 MR. BAPTISTE: Let me -- let me retract  
8 that question.

9 MR. SANABRIA-MORALES: Okay.

10 MR. BAPTISTE: Did you kick the guy with  
11 the black shirt out, before the couple went  
12 outside or after the couple went outside?

13 THE INTERPRETER: No. I called the -- I  
14 called the taxi cab for them. They stayed in the  
15 bar for awhile.

16 When he asked me if I had called the cab, I  
17 said, yes. So that's when he told me, okay,  
18 we'll wait for him outside.

19 MR. BAPTISTE: Well, how about the -- so,  
20 what point of the night did you kick the guy with  
21 the black shirt out of the bar?

22 THE INTERPRETER: Before they step outside  
23 to wait for the cab.

24 MR. BAPTISTE: Did you actually escort this  
25 individual outside of the bar and see him walk

1 away?

2 THE INTERPRETER: Yes. When he took him  
3 outside, I step -- I step outside and I asked --  
4 and I told him to lock the door so that he  
5 wouldn't come back inside.

6 MR. BAPTISTE: Did you know this  
7 individual? Did he come to your bar before, do  
8 you know?

9 THE INTERPRETER: Yes. He didn't go there  
10 frequently, but he would go there every once in  
11 awhile.

12 MR. BAPTISTE: And is it normal for him to  
13 be overly intoxicated, or to act out of  
14 character?

15 THE INTERPRETER: No. Never.

16 No. He would -- no, he would eat. Have  
17 his beers. Would -- he would play pool and then,  
18 he would leave.

19 MR. BAPTISTE: Do you think that him acting  
20 out of character was as a result of him being  
21 intoxicated out of alcohol?

22 THE INTERPRETER: Well, he wasn't so drunk  
23 for him to have acted this way.

24 MR. BAPTISTE: Okay.

25 Did you call the police that night at any

1 point?

2 THE INTERPRETER: No. Because the security  
3 guard told me that he, himself, would do it.

4 MR. BAPTISTE: Why didn't you call the  
5 police after you kicked him out of the bar?

6 THE INTERPRETER: Oh, because he made it  
7 seem like he was going to leave already. Like he  
8 was going to be leaving.

9 MR. BAPTISTE: The night of this incident,  
10 did the police do a tavern check at your bar?

11 MR. SANABRIA-MORALES: I'm sorry. Can you  
12 say that --

13 MR. BAPTISTE: Did the police complete a  
14 tavern check?

15 MR. SANABRIA-MORALES: Oh.

16 THE INTERPRETER: Yes.

17 MR. BAPTISTE: And were you able to produce  
18 all the documents that you had in your possession  
19 to the police officer?

20 THE INTERPRETER: Yes. He came and asked  
21 me -- yes. And he came and asked me to show him  
22 the -- the bar papers.

23 MR. BAPTISTE: Okay.

24 Do you have your physical license? At your  
25 bar?

1 THE INTERPRETER: Yes.

2 MR. BAPTISTE: When you say you have a  
3 physical license, is this what you're talking  
4 about?

5 THE INTERPRETER: Yes. The license renewal  
6 receipt.

7 MR. BAPTISTE: So, do you just have your  
8 license renewal receipt or do you actually have  
9 your actual license?

10 THE INTERPRETER: No. I have -- no. I  
11 have only the application and the -- and the  
12 license renewal receipt.

13 MR. BAPTISTE: And do you know why you  
14 don't have your -- your actual license at this  
15 time?

16 THE INTERPRETER: Because -- because of all  
17 the fines and all the instances where I've had to  
18 come to court.

19 MR. BAPTISTE: You're -- are you currently  
20 involved in appeal process with previous  
21 violations?

22 THE INTERPRETER: Yes.

23 MR. BAPTISTE: And do you know whether or  
24 not your physical license is being -- is pending  
25 until those matters get resolved?

1 THE INTERPRETER: Yes.

2 MR. BAPTISTE: But did you receive  
3 authorization to continue operating your bar?

4 THE INTERPRETER: Yes.

5 MR. BAPTISTE: And all you have as proof is  
6 your receipt of your renewal application.

7 THE INTERPRETER: Yes.

8 MR. BAPTISTE: So that's all -- that's all  
9 you do have physically at your bar.

10 Correct?

11 THE INTERPRETER: Yes.

12 MR. BAPTISTE: You previously testified  
13 that your hours of operation are 12 to 10:30,  
14 Monday through Thursday.

15 THE INTERPRETER: Um hum.

16 MR. BAPTISTE: And Friday, 12 to 11 p.m.

17 THE INTERPRETER: Yes.

18 MR. BAPTISTE: With those limited hours,  
19 how has that impacted your sales?

20 THE INTERPRETER: It has impacted me a lot.

21 MR. BAPTISTE: In a negative or a positive  
22 way?

23 THE INTERPRETER: Positively.

24 MR. BAPTISTE: So --

25 THE INTERPRETER: A lot.

1           MR. BAPTISTE: When you say -- so, can you  
2 explain? Are you making more money now? Or are  
3 you making less money now?

4           THE INTERPRETER: Well, I'm receiving less.

5           MR. BAPTISTE: Are -- are you selling more  
6 alcohol now or you're selling less alcohol now?

7           THE INTERPRETER: Less alcohol because --

8           Yes, because the best hours for the  
9 business is from ten p.m. on which -- and these  
10 were the hours that I'm not allowed to be in  
11 operation.

12          MR. BAPTISTE: And if you're selling less  
13 alcohol, does that mean that you purchase less  
14 alcohol?

15          THE INTERPRETER: Yes.

16          MR. BAPTISTE: But do you still have a full  
17 bar?

18          THE INTERPRETER: So, they have a -- yes.  
19 There is a lot of the -- a lot of the bottles  
20 that I have in my bar have been there since I  
21 bought the establishment. I just have them there  
22 so that it doesn't look empty.

23          MR. BAPTISTE: And if you're open regular  
24 hours, like all the other bars in Union City,  
25 would you be purchasing more alcohol?

1           THE INTERPRETER: Yes. Because -- because  
2 I used to make this request of the beer shipping  
3 company or the beer delivery company, and I'm not  
4 using the same company as much.

5           And now I'm buying from Hoboken and I buy  
6 the minimum amount that I can use.

7           MR. BAPTISTE: And did you produce your  
8 receipts and your invoices for your purchase of  
9 alcohol?

10          THE INTERPRETER: Yes.

11          MR. BAPTISTE: And this was on the night of  
12 October 3<sup>rd</sup>, 2015?

13          THE INTERPRETER: Yes.

14          MR. BAPTISTE: And were you aware that the  
15 police -- that the officer indicated that you had  
16 very low purchases?

17          THE INTERPRETER: Yes. He told me that.

18          MR. BAPTISTE: But you presented to him all  
19 of the -- all the purchase that you did purchase  
20 for the bar.

21          THE INTERPRETER: I presented the ones that  
22 I had recently purchased.

23          MR. BAPTISTE: And have you had previous  
24 tavern checks?

25          THE INTERPRETER: Yes.

1           MR. BAPTISTE: And typically, what do you  
2 present to an officer when they ask for your  
3 receipts?

4           THE INTERPRETER: The only thing they ask  
5 is that they want to see an employee list, what I  
6 report, and the bill -- the bill of the company,  
7 of the liquor delivery company, the ones that I  
8 purchase the liquor from.

9           And the license application that I -- and  
10 then -- and the -- this document that I'm not  
11 sure that they are asking me.

12           What's it called?

13           MR. BAPTISTE: Okay.

14           THE INTERPRETER: I forgot what -- what  
15 it's called.

16           MR. BAPTISTE: All right.

17           Do you have to go through your entire  
18 inventory list from the day that you purchased  
19 this bar?

20           THE INTERPRETER: Yes. I have all the  
21 receipts since then.

22           MR. BAPTISTE: But do you typical -- do you  
23 typically present all your receipts from the day  
24 that you purchased?

25           THE INTERPRETER: Yes. They don't -- no,

1 | they don't ask for that. They just ask, oh,  
2 | well, can you give me a receipt -- you know, from  
3 | the company that you purchase your liquor from?

4 | MR. BAPTISTE: Okay.

5 | And you -- you -- did you -- you presented  
6 | receipts for both purchases of liquor and for  
7 | beer.

8 | Correct?

9 | THE INTERPRETER: Yes.

10 | MR. BAPTISTE: And the day of October 3<sup>rd</sup>,  
11 | was everything current that day?

12 | THE INTERPRETER: Yes.

13 | MR. BAPTISTE: And did you understand why  
14 | the officer cited you for that violation?

15 | THE INTERPRETER: I don't know why he gave  
16 | it to me.

17 | Well, if he -- well, if he saw all the  
18 | documents and if he saw the video that -- you  
19 | know, as far as nothing that happened inside the  
20 | bar.

21 | MR. BAPTISTE: Specifically, my question is  
22 | do you understand why he cited you for the tavern  
23 | check?

24 | THE INTERPRETER: No, because of the  
25 | problem that had happened outside.

1 MR. BAPTISTE: Did you bring the same  
2 receipts that you presented to him?

3 THE INTERPRETER: Yes. The receipts are  
4 there.

5 MR. BAPTISTE: And -- okay.

6 Okay. Nothing further.

7 MR. SAPIENZA: How long have you owned and  
8 operated El Miguelino?

9 THE INTERPRETER: Since 2002.

10 MR. SAPIENZA: And during that time, how  
11 many acts of violence took place either inside  
12 your bar, or directly outside your bar?

13 THE INTERPRETER: I don't remember.

14 MR. SAPIENZA: More than 50?

15 MR. SANABRIA-MORALES: Fifteen or 50?

16 MR. SAPIENZA: Fifty.

17 THE INTERPRETER: No. No more than 50.

18 MR. SAPIENZA: No more than 50? Is that --  
19 is that her answer? No more.

20 MR. SANABRIA-MORALES: I'm sorry.  
21 Interpreter speaking.

22 No. Let me rephrase that, because I may  
23 have made a mistake interpreting.

24 Okay.

25 THE INTERPRETER: I don't -- I couldn't

1 tell you, because I don't remember.

2 MR. SAPIENZA: Do you serve alcohol to  
3 customers at the bar?

4 THE INTERPRETER: Yes.

5 MR. SAPIENZA: On October the 3<sup>rd</sup>, were  
6 there other employees that served alcohol to  
7 customers at the bar?

8 THE INTERPRETER: Yes, there are two other  
9 people that work inside the bar, or behind the  
10 bar.

11 MR. SAPIENZA: Um hum.

12 So, the gentleman who caused the trouble  
13 here, had been in your bar for seven hours.

14 Is that correct?

15 THE INTERPRETER: Yeah. He walked in at  
16 3:30.

17 MR. SAPIENZA: And how many drinks did he  
18 -- did you serve him?

19 THE INTERPRETER: After -- after I walked  
20 in, after four p.m., I served him -- I -- I sold  
21 him three -- three drinks when he was there.

22 I don't know how many he actually drank. I  
23 don't -- you know, if I walked in at four p.m., I  
24 don't know how many he could have drank in the  
25 half an hour that he was there.

1           MR. SAPIENZA: Between four o'clock, or  
2 four p.m., and ten p.m., how many drinks did he  
3 have at your establishment?

4           THE INTERPRETER: The -- the beers that I  
5 sold him were actually three, because he was  
6 playing pool at the bar.

7           MR. SAPIENZA: So, in six hours, he had  
8 three beers? Is that what you're --

9           THE INTERPRETER: Those are the -- those  
10 are the ones that I sold him, that his friends at  
11 the pool tables had invited him, or -- you know,  
12 have paid, so he would drink it.

13          MR. SAPIENZA: How many beers did he drink  
14 in the seven hours he was in your establishment?

15          THE INTERPRETER: I couldn't tell you  
16 because he was playing pool. I can't tell you  
17 who was treating him.

18          I can only speak for the ones I actually  
19 sold to him.

20          MR. SAPIENZA: So, you don't know how long  
21 -- how many drinks a person has who's been in  
22 your establishment for seven hours?

23          THE INTERPRETER: The beers -- if you're  
24 asking me for the beers that I sold him, I sold  
25 him three. But for the other ones that he drank,

1 while he was playing pool, I can't tell you.

2 Well, be -- because when they're at a table  
3 -- you know, the friends will ask for, like, the  
4 bucket full of beers, and they will treat him  
5 one, another.

6 MR. SAPIENZA: How many beers can a man,  
7 the size of the person you saw, drink before  
8 they're drunk?

9 THE INTERPRETER: How many beers can he  
10 drink?

11 Well -- you know, maybe he can drink like  
12 six.

13 Well, he was a -- he's a big guy already.  
14 And he's young.

15 MR. SAPIENZA: When the police came, they  
16 found two people in your bathroom.

17 Correct?

18 THE INTERPRETER: Yes. Correct.

19 MR. SAPIENZA: They were cleaning  
20 themselves from having been struck by this  
21 person.

22 THE INTERPRETER: Yes. These were the same  
23 people that I had -- I have called the -- the cab  
24 for, the couple.

25 MR. SAPIENZA: They're friends of yours,

1 aren't they?

2 THE INTERPRETER: I know the guy's father.

3 MR. SAPIENZA: Do you know where they live?

4 THE INTERPRETER: Not him, himself, but the  
5 father I do.

6 MR. SAPIENZA: Have you spoken to either  
7 one of them be -- between the time this happened  
8 and tonight?

9 THE INTERPRETER: With the father only, but  
10 as far as him, I haven't seen him again.

11 MR. SAPIENZA: What did you say to the  
12 father?

13 THE INTERPRETER: I told him what happened,  
14 and he told me that he had received no news --  
15 you know, in three months from his son, that his  
16 son wasn't answering his calls.

17 MR. SAPIENZA: Do you agree with Mr. Wade  
18 that it was a very dangerous situation that  
19 happened outside the bar?

20 THE INTERPRETER: Yes.

21 MR. SAPIENZA: People could have been  
22 seriously injured, don't you agree?

23 THE INTERPRETER: Yes. Yes, I know.

24 MR. SAPIENZA: And that's happened before  
25 at your bar, hasn't it?

1           THE INTERPRETER: Most -- most of the times  
2 it's happened outside.

3           MR. SAPIENZA: Do you think that if it  
4 happens outside your bar, you're not responsible?

5           THE INTERPRETER: I know I'm responsible.

6           MR. SAPIENZA: Well, that's correct. You  
7 are responsible.

8           That's all I have.

9           MR. BAPTISTE: You testified that you  
10 actually served the young man with the blue --  
11 with the black shirt.

12           And when you served him, on the three  
13 separate occasions, at any point did he appear to  
14 be intoxicated?

15           THE INTERPRETER: No.

16           MR. BAPTISTE: Ms. Merlos, in previous  
17 hearings, in reference to your license, you're  
18 aware that you received what's considered the CAD  
19 reports, which is the police incident reports.

20           THE INTERPRETER: Yes.

21           MR. BAPTISTE: And in these reports, they  
22 indicate how many times the police have been  
23 called to your location for different types of  
24 incidents.

25           THE INTERPRETER: Yes.

1 MR. BAPTISTE: We have a summary of CAD  
2 reports that we received from the City of Union  
3 City.

4 The dates that are captured in our reports,  
5 2007 to 2012. We wanted to submit them so that  
6 this Board can take -- evaluate the reports, and  
7 we can make summary arguments on them.

8 MR. SAPIENZA: I have no objection. Mark  
9 them.

10 MR. BAPTISTE: I marked them as P-1, just --  
11 You've -- you've had them before, the same  
12 exact reports.

13 Just wanted to -- you know, so people can  
14 have them.

15 MR. DILLON: What is -- what is the exhibit  
16 exactly?

17 MR. BAPTISTE: It is a Summary Report of  
18 CAD Incidents. And this is incidents that have  
19 taken place in -- in Union City.

20 MR. DILLON: Thank you. Okay.

21

22 (Whereupon, Summary Report of CAD Incidents  
23 dated 2007 to 2012, were received and marked as  
24 P-1.)

25

1 MR. BAPTISTE: Okay.

2 Nothing further.

3 MR. SAPIENZA: I have nothing further.

4 MR. BAPTISTE: I'd like to make closing  
5 arguments as well.

6 MAYOR STACK: Sure. Wrap up.

7 MR. SAPIENZA: A licensee is responsible  
8 when dangerous situations break out in or about  
9 their licensed premises.

10 In or about is a phrase that has clear  
11 meaning under the ABC Act. It is in the area of  
12 the licensee around there. Right around those  
13 premises.

14 The sidewalk in front of the door of a bar  
15 in Union City, things that happen there, the  
16 patrons who are inside that bar, or the people  
17 standing outside the bar, or interacting with  
18 whatever comes out that front door, the licensee  
19 is responsible for.

20 The video that you saw this evening was  
21 very disturbing.

22 I want to just compliment the security  
23 person on duty. I thought that he really did a  
24 terrific job given what he was confronted with,  
25 but it could easily have been much worse. It

1 | could be easy that a person could be seriously  
2 | injured, could be struck by a car in the street,  
3 | someone could have had a weapon that they felt  
4 | they had to use to protect their own lives.  
5 | Protecting a woman that you're with, or a father  
6 | or a friend or a son, tempers can easily get out  
7 | of hand.

8 |         And it exposes the real secret that's a  
9 | root of so much, and that is that if you're going  
10 | to be open for business, and you have people that  
11 | come there and sit in your bar, for seven, six,  
12 | five hours, as many hours as that, you've got to  
13 | recognize how much these people are consuming,  
14 | you've got to know when they've had too much for  
15 | -- no matter what they do or say, you've got to  
16 | be on top of that.

17 |         You can't serve intoxicated people. You  
18 | can't serve people until they get intoxicated.

19 |         And when you do, you are fueling situations  
20 | that can easily result in tragedy.

21 |         Here in Union City, where things are so  
22 | close and where the public depends so much on  
23 | you, this -- this could have been a very serious  
24 | situation.

25 |         MR. BAPTISTE: I believe that through the

1 testimony, it's crystal clear that a couple  
2 things happened on October 3<sup>rd</sup>, 2015.

3 I'd like to first address the things that  
4 are, I think, most obvious.

5 With the tavern check, Ms. Merlos had  
6 everything in order. I believe that the only  
7 issue that the officer found was, one, that she  
8 didn't have her actual license. But this Board's  
9 aware that she's involved with proceedings at a  
10 higher level, and the license is in limbo. So,  
11 she physically will not -- not have the license  
12 until that matter gets resolved.

13 And so, all she has is the receipt, and  
14 that's what she presented. And that's what the  
15 officer wrote in his report.

16 So, she had to the extent of what she could  
17 have had, physically. She just doesn't have a  
18 physical license, but she has authorization to  
19 stay open, and she has to maintain the receipt.

20 In addition to that, her sales have been  
21 substantially impacted. And so, when the officer  
22 saw the bottles of liquor that are in the  
23 establishment, and saw the receipts for beer  
24 purchases, the receipts for liquor purchases, it  
25 didn't match what he typically sees.

1           But he wasn't aware that they're only open  
2 on a part time basis. He wasn't aware of all of  
3 the history that -- that's behind this -- this  
4 establishment.

5           As a result, he even acknowledged that he  
6 received the receipts that she gave to him. He  
7 just didn't believe them.

8           He never did a bona fide inventory. We  
9 have the actual copies of the receipts, which are  
10 the same things that were given to him. We have  
11 them bottle for bottle that -- that he said that  
12 he received. And we still have them now.

13           The only way that he could have verified  
14 that she was selling more and purchasing alcohol  
15 from some other source was if he did a bona fide  
16 inventory from the beginning of this  
17 establishment, to justify why do you have all  
18 these bottles that you don't have -- when I say,  
19 a current receipt for.

20           Ms. Merlos testified to the fact that she  
21 has some of these bottles from the day that she  
22 opened. And it's just part of the way she runs  
23 her business.

24           But the bottles that she purchased were  
25 purchased through legitimate sources, and the

1 receipts were given.

2           And so -- and the officer testified that  
3 point one and point three of the tavern check  
4 were both due to the fact that the sales were  
5 low, or in his opinion, the purchases were low,  
6 so therefore, the accounting was low.

7           And one of the, I think, most important  
8 parts of this presentation was the fact that we  
9 don't have copies of pictures that he received.

10           I can almost guarantee if we had copies, it  
11 would match the exact receipts we have today.

12           So, she had the same receipts she has  
13 today. It's just her sales are low.

14           In reference to the event that took place  
15 outside the bar, it is true that bar owners are  
16 responsible for things that take place inside and  
17 outside of the bar. That's established.

18           But you know, what is also true, and I  
19 believe this is the relevance of this CAD report,  
20 and I'd ask that you guys evaluate that when you  
21 guys assess this, is that running an  
22 establishment leads to incidents happening. It's  
23 just the nature of how it works.

24           And I don't believe that there's one bar in  
25 Union City that hasn't had incidents that took

1 place. There are some bars that have had  
2 substantially more, there's bars that have  
3 substantially less.

4 If you look at the full summary of -- of  
5 the data, it looks as if El Munequito is actually  
6 one of the bars that have had less, not more.

7 The reality of the situation is, how these  
8 incidents are treated once they've happened.

9 So, El Munequito has one security officer.  
10 They have a limited budget, given the fact that  
11 they're open for a limited period of time.

12 They're just trying to stay alive and pay  
13 their rent and pay their bills, while they go  
14 through this process of trying to see if they're  
15 able to keep their license, so that they can  
16 actually -- you know, become a full fledged bar.

17 An average night, if they're a full fledged  
18 bar, they'd probably make two or 3X the revenue  
19 that they're -- that they're making closing at 12  
20 o'clock, or 11:30, or ten o'clock, whatever time  
21 they have to respectfully close.

22 They would have the budget to be able to  
23 hire three or four security officers.

24 This incident took place -- Ms. Merlos --  
25 Ms. Merlos testified that she was in -- when she

1 served him alcohol, he didn't appear intoxicated.

2 Now, what did he do over the course of --  
3 of that night, that got him to that point of  
4 intoxication, she's not aware.

5 But she -- she indicated that she wasn't --  
6 you know, throwing beer bottles or beer at him,  
7 or he wasn't taking shots like crazy.

8 She said that he took -- he purchased three  
9 beers from her.

10 They called the police on two separation  
11 occasions as this happened. It was the security  
12 officer that called the police. He called the  
13 police on two separate times.

14 And what do you do in the event after you  
15 call the police, and it's still a situation of  
16 danger?

17 I believe that they did everything they  
18 could. They tried to get in between. They tried  
19 to -- you know, have the victims come inside.

20 They -- they were trying to protect the  
21 citizens of Union City and the people that came  
22 to -- to their bar.

23 Yes. This is an incident that happened.  
24 This is a violation. And it should be treated  
25 that way.

1           But what type of punishment should be  
2 attributed to this violation?

3           I believe the tavern checks -- everything  
4 in the tavern checks, she did everything right on  
5 that. The only thing that happened here was  
6 there was a fight that took place, that takes  
7 place at bars. That's just the -- if you look at  
8 the data, it's there. Every bar has fights.

9           She call -- they called the police. It's  
10 not like they never called the police. They  
11 called the police on two separate occasions.  
12 It's on the video. The security officer has the  
13 phone in his hand, calling the police, or  
14 attempting to call the police.

15           And they were just trying to manage the  
16 situation.

17           We ask that this Board treat this in a fair  
18 manner. There were no severe injuries in this  
19 case. This -- this case could have gone worse.

20           If they -- if they called the police and  
21 the police immediately showed up, the -- you  
22 know, they -- they would have got extra help.  
23 But unfortunately, the police didn't immediately  
24 show up, and so, they had to take it in their own  
25 hands and try to separate the parties the best

1 way they could.

2           What we don't have is, we don't have a  
3 police log of all the calls that came in, because  
4 it's clear that a police -- someone did call the  
5 police, because they said that they got a report  
6 that a fight was taking place.

7           But we don't know exactly when that call  
8 came from. We don't know if it came directly  
9 from the -- the security officer. If it did come  
10 from him, then -- and if he called two separate  
11 times, that means his story is a hundred percent  
12 accurate, and they did everything in their power  
13 to try to limit or control the situation.

14           We ask that -- we ask this Board to operate  
15 in a reasonable fashion.

16           If you look at the history of this  
17 establishment, it's not one of the worst  
18 establishments in Union City. But it's an  
19 establishment that's been treated the harshest,  
20 and I know it's human nature to say -- to think,  
21 oh, you -- you have -- you know, you have another  
22 violation and we're going to throw the book at  
23 you.

24           We're asking -- you know, this Board to  
25 just be reasonable. You know -- you know, she

1 called the -- they called the police. They broke  
2 up the fight. They asked the victims, come  
3 inside, so no additional incidents would take  
4 place. And they wait for the police to come.

5       Once the police were there, they reported  
6 it. They were completely compliant. They -- the  
7 tavern check, everything checked out. Their  
8 sales are low.

9       So, they've been trying to walk down the  
10 straight and narrow path. And that's especially  
11 true because of the fact that they have  
12 proceedings going on.

13       And so, this is not a reckless bar. They  
14 weren't operating recklessly. This is just a bad  
15 incident that happened on that night.

16       And we ask this Board to take that in  
17 consideration when evaluating what kind of  
18 punishment should be given to them.

19       MAYOR STACK: Mr. Sapienza, do you have a  
20 recommendation on the punishment that you were  
21 looking for? The penalty that you were looking  
22 for?

23       MR. SAPIENZA: Well, I recommend that this  
24 license be revoked.

25       Over 14 years now, it's had the same

1 operator. It's violations history, not CAD  
2 reports, or calls for assistance from the  
3 neighborhood, but it's violations history is  
4 absolutely one of the worst in Union City.

5 And these violations are not ones that you  
6 can afford to allow to be inflicted and re-  
7 inflicted on your populous. They're dangerous.  
8 They're really, truly dangerous things that  
9 happen in El -- El Munequito, and outside El  
10 Munequito.

11 I believe that the license has really  
12 forfeited its right to, with the help of  
13 yourselves and the State of New Jersey, sell  
14 alcohol to people anymore.

15 MAYOR STACK: Mr. Sapienza, I'm sorry, do  
16 you know the number of incidents that they've had  
17 over the years at this -- I mean, I -- I know  
18 that there's been many incidents. I'm not sure  
19 of the number of incidents being here.

20 But do you know the -- the incidents itself  
21 that -- how many incidents they've had over the  
22 years since two thousand and -- I think it was  
23 2002 that was represented as the time that Ms.  
24 Merlos took over as the -- the owner, I believe.

25 MR. SAPIENZA: During the proceedings that

1 Mr. Baptiste referred to, Captain Luster  
2 testified in the Office of Administrative Law, as  
3 to the violations history of the license. She  
4 identified the following violations, and she  
5 began in 2005.

6 On January 8<sup>th</sup>, 2005, the bar was charged  
7 with allowing, permitting and suffering an act of  
8 violence, on or about the licensed premises. A  
9 suspension was imposed.

10 On June 29<sup>th</sup>, 2005, the bar was charged  
11 with three offenses, for not keeping required  
12 records, and for operating as a nuisance that  
13 required police intervention.

14 MR. BAPTISTE: Excuse me?

15 I just want to make sure this is on the  
16 same page.

17 Is the dates that she's been the licensed  
18 owner, or is it just --

19 MAYOR STACK: Yes.

20 MR. BAPTISTE: -- license?

21 MAYOR STACK: He started at 2005.

22 MR. SAPIENZA: She's been the owner since  
23 2002.

24 MAYOR STACK: He started at 2005.

25 MR. BAPTISTE: Okay. I just wanted to make

1 sure.

2 MR. SAPIENZA: In July of 2006, the bar was  
3 charged with four offenses for allowing employees  
4 to work without wearing identification cards, for  
5 allowing lewd and immoral activity on the  
6 licensed premises in violation of your Ordinance,  
7 and for operating without a valid license, and  
8 for permitting or suffering the license to be  
9 operated as a nuisance.

10 I realize you've asked me for a number,  
11 rather than a verbal history.

12 MAYOR STACK: That's fine.

13 MR. SAPIENZA: These -- in 2006, July 22<sup>nd</sup>,  
14 2006, it was charged with six more offenses,  
15 including an act of violence.

16 In August of 2007, the bar was charged with  
17 allowing employees to work without having their  
18 identification cards.

19 Again, in August, the bar was charged with  
20 allowing employees to work without identi --  
21 having their identification cards.

22 And on December 15<sup>th</sup>, 2007, it was charged  
23 with three offenses for not maintaining a list of  
24 employees, and allowing or permitting the  
25 premises to be operated as a nuisance.

1           Among the violations, were sales to  
2 underage, undercover police officer, sales to  
3 other people who were minors.

4           If you recall, some of them were notable  
5 instances. Fights that occurred outside, turned  
6 into large scale melees where security persons,  
7 like Mr. Wade, but without his restraint, came  
8 out and pepper sprayed a large number of people.

9           God knows what would have happened. Those  
10 people were found by the police to be holding  
11 their eyes and gasping.

12           Another fight occurred outside, where a  
13 drunken patron was punched and knocked down and  
14 -- and injured by the security officer, who  
15 probably was afraid for his life.

16           These incidents are serious. They number  
17 -- I haven't added all those up, but they're  
18 pretty close to about 35 instances.

19           And it's a terrible record. It really is.

20           It -- it's a record that were you -- if the  
21 same person is operating, I have to say, they  
22 have not understood that their license is not a  
23 license just for them to earn money. Their  
24 license is a license for them to operate in this  
25 community with the safety of the community in

1 mind.

2 And I know that's your concern.

3 MAYOR STACK: See -- see, my -- my concern  
4 -- my concern is it's so close to a school. We  
5 have a middle school right there. We have -- two  
6 blocks away, we have an early childhood center.  
7 We have churches in the area. We have many, many  
8 residents that live in the area. It's a densely  
9 populated community.

10 We have students that leave that field  
11 sometimes, at Jose Marti School, at that time.  
12 There's night games that we have there. It's in  
13 a very densely populated area.

14 This is definitely not the first, as you  
15 have pointed out, that it's happened. It  
16 continues to happen. The violent behavior -- who  
17 knows what could have happened that night. Thank  
18 God it didn't happen.

19 I just can't see tolerating this type of  
20 behavior.

21 I'm going to make a motion for revocation  
22 of the license.

23 ACTING CITY CLERK: Motion --

24 COMMISSIONER FERNANDEZ: I got to say, too  
25 -- you know, Jose Marti Freshman Academy, we have

1 a lot of events with the seniors.

2 MAYOR STACK: Um hum.

3 COMMISSIONER FERNANDEZ: And they're  
4 leaving around that same time.

5 God forbid if a senior is leaving, going to  
6 Bella Vista, and a fight breaks out.

7 And I think -- you know, I -- I personally  
8 think it's an insult to my intelligence to say,  
9 someone stay in your bar for seven hours, and you  
10 can't testify truthfully that that person drank  
11 more than three beers, and say, well, I don't  
12 know, that maybe they bought a bucket.

13 I think that's a -- that's an insult to our  
14 intelligence.

15 And I second the Mayor's motion.

16 ACTING CITY CLERK: Second by --

17 MAYOR STACK: Thank you, Commissioner.

18 ACTING CITY CLERK: -- Commissioner  
19 Fernandez.

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:   Mayor Stack?

2           MAYOR STACK:   Yes.

3           Revocation to begin immediately.

4           Anything further?

5           ACTING CITY CLERK:   Mr. Farmer?

6           MAYOR STACK:   Mr. Farmer, Mr. Sapienza,  
7 anything further?

8           MR. SAPIENZA:   Nothing further.

9           MAYOR STACK:   Thank you very much.

10          Thank you.

11          Thank you, Commissioners.

12

13       **ADJOURNMENT:**

14

15           ACTING CITY CLERK:   Mayor, there are no  
16 other items on the agenda, is there a motion to  
17 adjourn?

18           MAYOR STACK:   Motion.

19           COMMISSIONER RIVAS:   Second.

20           ACTING CITY CLERK:   Motion by Mayor Stack.

21           Second by Commissioner Rivas.

22           All in favor?

23

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

25

1 COMMISSIONER RIVAS: Opposed?

2 Nobody.

3

4 (Whereupon, the proceedings were concluded

5 at 9:51 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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|    |                            |
|----|----------------------------|
| 8  | <b>Attest:</b>             |
| 9  | <b>Dominick Cantatore,</b> |
| 10 | <b>Acting City Clerk</b>   |

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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5 I, DEBRA A. KASZNIAK, 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 heard on Tuesday, December 15, 2015 and digitally  
10 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon