

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

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Jefferson Elementary School
3400 Palisade Avenue
Union City, New Jersey

Tuesday, January 5, 2016
Commencing at 7:00 p.m.

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

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

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

LUCIO P. FERNANDEZ, COMMISSIONER

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

DOMINICK CANTATORE, ACTING CITY CLERK

SCARINCI HOLLENBECK
BY: KRYSTLE NOVA, ESQ.
Corporation Counsel

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

ERIN KNOEDLER, Director of Operations

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1 MS. DILLON: Okay.

2 On the record.

3 ACTING CITY CLERK: This is a Regular
4 Public Meeting of the Union City Board of
5 Commissioner, being held on Tuesday, January 5th,
6 2016, at seven p.m., at the Jefferson Elementary
7 School, 3400 Palisade Avenue, Union City, New
8 Jersey.

9 Everyone please rise for the Pledge of
10 Allegiance.

11

12 (Whereupon the Pledge of Allegiance was
13 said.)

14

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

18 Adequate notice of this meeting has been
19 provided as follows:

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

1 office of the Municipal Clerk.

2

3 **ROLL CALL:**

4

5 ACTING CITY CLERK: Roll call.

6 Commissioner Fernandez?

7 Is absent.

8 Commissioner Rivas?

9 COMMISSIONER RIVAS: Here.

10 ACTING CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Here.

12 ACTING CITY CLERK: Commissioner

13 Martinetti?

14 COMMISSIONER MARTINETTI: Here.

15 ACTING CITY CLERK: Mayor Stack?

16 MAYOR STACK: Here.

17

18 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**

19 **NOVEMBER 17, DECEMBER 1, AND DECEMBER 15, 2015:**

20

21 ACTING CITY CLERK: First item is Approval
22 of Previous Meeting Minutes of November 17,
23 December 1st, and December 15, 2015, to be
24 approved and recorded.

25 COMMISSIONER VALDIVIA: Move it.

1 ACTING CITY CLERK: Motion --

2 MAYOR STACK: Second.

3 ACTING CITY CLERK: -- by Commissioner
4 Valdivia.

5 Second by Mayor Stack.

6 Roll call.

7 Commissioner Fernandez?

8 Absent.

9 Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 ACTING CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 ACTING CITY CLERK: Commissioner
14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18

19 **ORDINANCES FOR HEARING AND ADOPTION**

20 **CONSIDERATION:**

21

22 () AN ORDINANCE AMENDING CHAPTER 223 "LAND
23 DEVELOPMENT" AS TO THE DEFINITION OF "STORY,
24 HALF"
25

1 ACTING CITY CLERK: Next item is an
2 Ordinance for Hearing and Adoption Consideration.

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

5 MAYOR STACK: Anyone wishing to comment on
6 this Ordinance at this time, please step forward,
7 state your name and address for the record.

8 Seeing none.

9 ACTING CITY CLERK: Is there motion --

10 COMMISSIONER RIVAS: Motion to close.

11 ACTING CITY CLERK: -- to close the public
12 hearing?

13 COMMISSIONER RIVAS: Motion.

14 ACTING CITY CLERK: Motion by Commissioner
15 Rivas.

16 COMMISSIONER VALDIVIA: Second.

17 ACTING CITY CLERK: Second by Commissioner
18 Valdivia.

19 Roll call.

20 Commissioner Fernandez?

21 Absent.

22 Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 ACTING CITY CLERK: Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 ACTING CITY CLERK: Commissioner
2 Martinetti?
3 Recusing.
4 Mayor Stack?
5 MAYOR STACK: Yes.
6 ACTING CITY CLERK: Is there a motion to
7 adopt?
8 COMMISSIONER VALDIVIA: Motion.
9 COMMISSIONER RIVAS: Second.
10 ACTING CITY CLERK: Motion by Commissioner
11 Valdivia.
12 Second by Commissioner Rivas.
13 Roll call.
14 Commissioner Fernandez?
15 Absent.
16 Commissioner Rivas?
17 COMMISSIONER RIVAS: Yes.
18 ACTING CITY CLERK: Commissioner Valdivia?
19 COMMISSIONER VALDIVIA: Yes.
20 ACTING CITY CLERK: Commissioner
21 Martinetti?
22 Recusing.
23 Mayor Stack?
24 MAYOR STACK: Yes.
25

1 **ORDINANCES FOR HEARING AND ADOPTION**

2 **CONSIDERATION:**

3
4 () ORDINANCE AMENDING CHAPTER 334 "RENT
5 STABILIZATION"

6
7 ACTING CITY CLERK: Next Ordinance Amending
8 Chapter 334 Rent Stabilization.

9 MS. NOVA: This Ordinance has to do with
10 the Rent Stabilization Ordinance. And what it's
11 doing is changing the -- it's -- it's taking out
12 a loophole that allowed for use and occupancy
13 agreements.

14 Right now what we're going to do is, with
15 this Ordinance, is basically you're going to have
16 the -- all dwelling units that -- under the
17 Ordinance are going to be covered.

18 MAYOR STACK: This would tighten up the
19 Ordinance so that larger landlords -- especially
20 the larger landlords in the City, wouldn't be
21 able to circumvent the Municipal Rent Control
22 Ordinance by having tenants who are desperate to
23 find housing sign a use and occupancy agreement.
24 They would have to rent it to them for the Rent
25 Control rent on the unit and not use these use

1 and occupancy agreements to circumvent the local
2 Rent Control.

3 Anyone wishing to comment at this time,
4 please step forward.

5 Seeing none.

6 ACTING CITY CLERK: Is there a motion to
7 close?

8 MAYOR STACK: Motion.

9 ACTING CITY CLERK: Motion --

10 COMMISSIONER RIVAS: Second.

11 ACTING CITY CLERK: -- by Mayor Stack.

12 Second by Commissioner Rivas.

13 Roll call.

14 Commissioner Fernandez?

15 Absent.

16 Commissioner Rivas?

17 COMMISSIONER RIVAS: Yes.

18 ACTING CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 ACTING CITY CLERK: Commissioner
21 Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 ACTING CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25 ACTING CITY CLERK: Is there a motion to

1 adopt?

2 COMMISSIONER MARTINETTI: Motion.

3 ACTING CITY CLERK: Motion by Commissioner
4 Martinetti.

5 COMMISSIONER VALDIVIA: Second.

6 ACTING CITY CLERK: Second by Commissioner
7 Valdivia.

8 Roll call.

9 Commissioner Fernandez?

10 Absent.

11 Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 ACTING CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 ACTING CITY CLERK: Commissioner
16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 ACTING CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

21 **CONSENT AGENDA:**

22

23 (1) Resolution Approving the Payment of Claims

24 (2) Resolution Approving the Payment of

25 Concurring Claims

- 1 (3) Resolution Approving the City Payroll for
2 the Period of December 12, 2015 through December
3 25, 2015
- 4 (4) Resolution Approving the Library Payroll
5 for the Period of December 12, 2015 through
6 December 25, 2015
- 7 (5) Resolution Approving Shared Services
8 Agreement with the Union City Housing Authority
9 for the Purchase of a Vehicle for the Housing
10 Authority
- 11 (6) Resolution Approving Contract with Garden
12 State Highway for Purchase of Solar Blinking Stop
13 Signs
- 14 (7) Resolution Approving Amendment to the
15 Shared Services agreement for the Lease of the
16 Rear Portion of 2214 Kennedy Boulevard
- 17 (8) Resolution in Support of New Jersey
18 Assembly Bill No. 3765 Proposing to Establish
19 Identification Insurance and Safety Requirements
20 for Companies that Use Digital Networks or
21 Software Application to Match Passengers with
22 Drivers
- 23 (9) Resolution Authorizing the Tax Collector to
24 Prepare, Complete and Mail Estimated Tax Bills in
25 Accordance with the Procedures Set Forth in

1 N.J.S.A. 54:4-66.2 and Authorizing an Estimated
2 Annual Tax Levy

3 (10) Resolution Authorizing the Person to Person
4 and Place to Place Transfer of Pocket License No.
5 0910-43-131-002 from Armando Diaz to La Placita
6 Supermarket, Inc., Located at 148-152 48th Street

7 (11) Resolution Retiring License Number 0910-33-
8 108-004 Held by Dolores Castro

9 (12) Resolution Authorizing the Refund of
10 Redemption Monies to Outside Lienholders

11 (13) Resolution Authorizing the Refund of
12 Premium Monies Collected at the Tax Sale

13 (14) Resolution Authorizing the Refund of a
14 Duplicate Payment Made on Block 253, Lot 17 C009B
15 Also Known As 4301 Park Avenue

16 (15) Any other matter of City business that may
17 arise

18

19 ACTING CITY CLERK: Next item is a Consent
20 Agenda.

21 First item is Resolution Approving the
22 Payments of Claims.

23 Item 2 is Resolution Approving the Payments
24 of Concurring Claims.

25 Item 3.

1 Resolution Approving the City Payroll for
2 the Period of December 12, 2015 through December
3 25th, 2015.

4 Item 4.

5 Resolution Approving the Library Payroll
6 for the Period of December 12, 2015 through
7 December 25th, 2015.

8 Item 5.

9 Resolution Approving Shared Service
10 Agreement with the Union City Housing Authority
11 for the Purchase of a Vehicle for the Housing
12 Authority.

13 Item 6.

14 Resolution Approving Contract with Garden
15 State Highway for Purchase of Solar -- Solar
16 Blinking Stop Signs.

17 We're going to table item 7.

18 Item 8 is Resolution in Support of New
19 Jersey Assembly Bill Number 3765 Proposing to
20 Establish Identification Insurance and Safety
21 Requirements for Companies that Use Digital
22 Networks or Software Application to -- to Match
23 Passengers with Drivers.

24 Item 9.

25 Resolution Authorizing the Tax Collector to

1 Prepare, Complete and Mail Estimate Tax Bill in
2 Accordance with the Procedures Set Forth in
3 N.J.S.A. 54:4-66.2 and Authorizing an Estimate
4 Annual Tax Levy.

5 Item 10.

6 Resolution Authorizing the Person to Person
7 and Place to Place Transfer of Pocket License
8 Number 0910-43-131-002 from Armando Diaz to La
9 Placita Supermarket, Inc., Located at 148-152 48th
10 Street.

11 Item 11.

12 Resolution Retiring License Number 0910-33-
13 108-004 Held by Dolores Castro.

14 Item 12.

15 Resolution Authorizing the Refund of
16 Redemption Monies to Outside Lienholders.

17 Item 13.

18 Resolution Authorizing the Refund of
19 Premium Monies Collected at Tax Sale.

20 Item 14.

21 Resolution Authorizing the Refund of a
22 Duplicate Payment Made on Block 253, Lot 17 C009B
23 Also Known As 4301 Park Avenue.

24 Mayor, do you wish to take comment on any
25 item on the Consent Agenda at this time?

1 MAYOR STACK: Sure.

2 Just before we do, on the -- the purchase
3 of the solar signs for the blinking stop signs,
4 it's added another safety feature in the City
5 where we've tried to make the City as safe as
6 possible, not only for motorists, but more
7 importantly, for pedestrians. This is added to
8 that.

9 On item number 11, retiring another liquor
10 license in the City is truly another major
11 victory for the people of the City. This
12 establishment was a problem establishment.

13 I give much credit to the Police
14 Department; Lieutenant Loaces who is here
15 tonight, Sergeant Dunlay, and the entire
16 Detective Bureau for their work in acquiring so
17 many of these licenses in the City. Taking these
18 bad bars out of community where there's -- not in
19 this case, I can't say in this case, but drug
20 dealing, prostitution, unruly behavior.

21 Something we don't want to tolerate in Union
22 City, so good job to everybody involved in this.

23 Thank you to the Commissioners for sharing
24 in the vision to really clean up the quality of
25 life.

1 Anyone wishing to comment on the Consent
2 Agenda, please step forward, state your name and
3 address for the record.

4 Seeing none.

5 ACTING CITY CLERK: Is there a motion to
6 close public comment?

7 MAYOR STACK: Motion.

8 ACTING CITY CLERK: Motion by Mayor Stack.

9 COMMISSIONER RIVAS: Second.

10 ACTING CITY CLERK: Second by Commissioner
11 Rivas.

12 Roll call.

13 Commissioner Fernandez?

14 Absent.

15 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: Is there a motion to
25 approve all items on the Consent Agenda?

1 COMMISSIONER VALDIVIA: Motion.

2 ACTING CITY CLERK: Motion by Commissioner

3 Valdivia.

4 COMMISSIONER RIVAS: Second.

5 ACTING CITY CLERK: Second by Commissioner

6 Rivas.

7 Roll call.

8 Commissioner Fernandez?

9 Absent.

10 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: I'm recusing from

17 items 5, 10 and 11.

18 Aye on the rest.

19 ACTING CITY CLERK: Item 5, --

20 COMMISSIONER MARTINETTI: Ten.

21 ACTING CITY CLERK: -- 10, 11.

22 COMMISSIONER MARTINETTI: And 11.

23 ACTING CITY CLERK: Recusing (sic) on the

24 rest.

25 Mayor Stack?

1 MAYOR STACK: Yes.

2

3 **REGULAR AGENDA:**

4

5 1. Resolution Authorizing the Payment of Claim
6 to the Union City Day Care Program

7

8 ACTING CITY CLERK: Next item is the
9 Regular Agenda.

10 First item is Resolution Authorizing the
11 Payment of Claim to Union City Day Care Program.

12 Is there a motion to approve item 1 on the
13 Regular Agenda?

14 COMMISSIONER MARTINETTI: Motion.

15 ACTING CITY CLERK: Motion by Commissioner
16 Martinetti.

17 COMMISSIONER VALDIVIA: Second.

18 ACTING CITY CLERK: Second by Commissioner
19 Valdivia.

20 Roll call.

21 Commissioner Fernandez?

22 Absent.

23 Commissioner Rivas?

24 COMMISSIONER RIVAS: Yes.

25 ACTING CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 ACTING CITY CLERK: Commissioner
3 Martinetti?

4 COMMISSIONER MARTINETTI: Yes.

5 ACTING CITY CLERK: Mayor Stack?
6 Recusing.

7

8 **REGULAR AGENDA:**

9

10 2. Resolution Authorizing the Payment of Claim
11 to the Hudson County Improvement Authority

12

13 ACTING CITY CLERK: Item 2.

14 Resolution Authorizing the Payment of Claim
15 to the Hudson County Improvement Authority.

16 MAYOR STACK: Move it.

17 ACTING CITY CLERK: Motion by Mayor Stack.

18 COMMISSIONER VALDIVIA: Second.

19 ACTING CITY CLERK: Second by Commissioner
20 Valdivia.

21 Roll call.

22 Commissioner Fernandez?

23 Absent.

24 Commissioner Rivas?

25 Recusing.

1 Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Commissioner

4 Martinetti?

5 COMMISSIONER MARTINETTI: I'm recusing?

6 ACTING CITY CLERK: No.

7 COMMISSIONER MARTINETTI: No? Not Housing

8 Authority?

9 MAYOR STACK: Item of necessity.

10 MS. NOVA: No.

11 ACTING CITY CLERK: Hudson County

12 Improvement.

13 COMMISSIONER MARTINETTI: Oh. I'm sorry.

14 MS. NOVA: No, Hudson County, you're good.

15 COMMISSIONER MARTINETTI: Okay.

16 ACTING CITY CLERK: This is Hudson County.

17 COMMISSIONER MARTINETTI: Right. Thank

18 you.

19 ACTING CITY CLERK: Yes.

20 MS. DILLON: Can I have your vote?

21 COMMISSIONER MARTINETTI: And I'm voting

22 yes.

23 MS. DILLON: Thank you.

24 ACTING CITY CLERK: Martinetti; yes.

25 Mayor Stack?

1 MAYOR STACK: Yes.

2

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

4

5 ACTING CITY CLERK: Mayor, do you wish to
6 take comment -- public comment on any item on the
7 agenda at this time?

8 MAYOR STACK: Sure.

9 Just first I'd like to thank the
10 Commissioners for moving the meetings around the
11 City and making all the meetings in the evening
12 hours for the residents. The residents in this
13 area were contacted about this meeting tonight;
14 everyone from 30th Street to 41st Street, from
15 Park Avenue over to Bergen Turnpike was
16 contacted. I'd like to thank those residents who
17 are here this evening.

18 Anyone wishing to comment at this time on
19 any matter concerning municipal government in the
20 City of Union City, please rise and state your
21 name and your address.

22 Sure. Please.

23 MR. SPARKMAN: John Sparkman, 1620
24 Manhattan Avenue.

25 MS. DILLON: Spell your last name for me.

1 MR. SPARKMAN: S-P-A-R-K-M-A-N.

2 MS. DILLON: Thank you.

3 MR. SPARKMAN: You'll all be thrilled to
4 know I brought you a huge stack of papers. We're
5 counting on the --

6 I want to say, first, Happy New Year to
7 everyone.

8 MAYOR STACK: Happy New Year.

9 MR. SPARKMAN: I'm -- I'm here this evening
10 to relay information that's gleaned from public
11 records about the contiguous properties along
12 Manhattan Avenue and Mountain Road that was
13 recently declared by this body a non-condemnation
14 redevelopment zone.

15 There are certain events that have
16 transpired over the last seven or eight months
17 which will affect and sever any relationship
18 and/or lines of communication that Union City has
19 with the owner of those properties, which is Sky
20 Pointe, LLC.

21 I just want to make sure that everyone's
22 aware of it.

23 The Sky Pointe operating agreement -- just
24 a tiny bit of background; it's a two member LLC.
25 It's owned by Highland Union City, LLC, and a

1 Union City resident, James McMillan.

2 On April 24th attorneys for Highland Union
3 City, LLC, sent Mr. McMillan a letter and it was
4 the result of a lawsuit against Mr. McMillan;
5 Sylvia Cotterill v. McMillan.

6 And the letter from Highland Union City's
7 attorneys to Mr. McMillan -- I'll just excerpt it
8 shortly.

9 It says through the court proceedings,
10 Sylvia Cotterill versus James McMillan and
11 Strategic Capital Partners. Highland was shocked
12 to discover that you have materially breached
13 your obligations owed to Sky Pointe and to
14 Highland through your acts of fraud,
15 misrepresentation and other improper, unlawful
16 or/and illegal conduct. Your misconduct
17 constitutes cause and thus triggers the buy/sell
18 provision set forth in Section 10-6 of the
19 operating agreement.

20 So they're attempting to dissolve this
21 company altogether.

22 It goes on to say, you are hereby
23 prohibited from taking any action on behalf of
24 Sky Pointe. You are barred from any of Sky
25 Pointe's offices, and you are to cease and desist

1 any communications, actions, involvement in any
2 and all Sky Pointe business. Your refusal to
3 abide by --

4 Is that the time limit?

5 MS. NOVA: No.

6 MAYOR STACK: No. No.

7 MR. SPARKMAN: Oh, okay.

8 MAYOR STACK: That was --

9 MR. SPARKMAN: I'm sorry.

10 MAYOR STACK: -- my cell phone. I'm sorry.

11 MR. SPARKMAN: I'm sorry.

12 Your refusal to abide by these prohibitions
13 or your interference in any Sky Pointe business
14 or projects will be met with all appropriate
15 legal action, which will be undertaken swiftly.

16 Then the letter was followed by a formal
17 complaint, which was filed June 25th, 2015. And
18 the complaint pretty much said the same thing as
19 the letter. I'll read one paragraph.

20 Highland discovered --

21 This is from the -- the complaint.

22 Highland discovered that Mr. McMillan
23 engaged in a pattern of fraud, self-dealing, in
24 bad faith that warrants his removal as co-
25 managing member and triggers the buy/sell

1 provisions of Sky Pointe's amended and restated
2 LLC operating agreement dated August 3rd, 2007.

3 They then go on in the complaint to invoke
4 the buy/sell formula and believe it or not they
5 offer to buy his shares for \$40.00; four zero.

6 I was going to read from the Cotterill
7 complaint that started all this but I won't. I
8 brought it with me. I brought the -- the LLC
9 agreement and the complaint.

10 Basically, Ms. Cotterill sued Mr. McMillan
11 saying that he defrauded her out of 1.7 million
12 dollars. It -- and it resulted in her winning a
13 charging order against his assets. That's how
14 this started.

15 I'm bringing you this information because,
16 well, I live over there. When it comes to
17 something as -- a real estate project as
18 important or as big, as consequential to Union
19 City as any proposed redevelopment project would
20 be, you can't have too much information about who
21 you're -- you're dealing with and who's sitting
22 across the table.

23 There is -- obviously there's turmoil and
24 chaos behind the Sky Pointe façade and I knew
25 that you are representatives and stewards of the

1 town would want to know about it.

2 And that's it.

3 MAYOR STACK: I appreciate that.

4 Thank you very much.

5 MR. SPARKMAN: Thank you.

6 MAYOR STACK: If you could give us the
7 copies, --

8 MR. SPARKMAN: I will.

9 MS. NOVA: Yes.

10 MAYOR STACK: -- we definitely will.

11 MS. SPARKMAN: I will.

12 MAYOR STACK: And the attorney will also
13 take a copy.

14 MS. NOVA: Yes. Please.

15 Thank you very much.

16 MAYOR STACK: I appreciate that.

17 Thank you very much.

18 MR. SPARKMAN: Thank you.

19 MAYOR STACK: Thank you.

20 COMMISSIONER VALDIVIA: Thank you.

21 COMMISSIONER MARTINETTI: Thank you.

22 MR. SPARKMAN: Thank you again.

23 MAYOR STACK: Thank you very much.

24 Make sure you give a copy to the
25 Redevelopment Board, to everybody, Pat McNamara

1 and everybody.

2 MS. NOVA: Yes. Definitely.

3 MAYOR STACK: Thank you very much.

4 Sure.

5 Anyone else wishing to --

6 MR. PRICE: Larry Price, 1006 Palisade
7 Avenue.

8 Just as a follow-up to that, the Sky
9 Pointe, although it's an LLC, was really a
10 partnership between Alan Landis who was a big
11 time money operator, owner of the -- one of the
12 owner of the Minnesota Vikings and Jim McMillan.

13 And as Mr. Sparkman points out in this
14 complaint, the complaint of Highland, which is
15 Landis' company, against McMillan, you know,
16 speaks of fraud, self-dealing, bad faith and
17 misconduct.

18 I think the partnership has ended. Now the
19 problem is it leaves Union City kind of caught in
20 there because, you know, McMillan was the inside
21 man, Landis was the money guy, and they were
22 going to build a lot of apartments over there.
23 And I -- they might get back together; stranger
24 things have happened. But it -- from the looks
25 of this complaint it's kind of unlikely.

1 One of the questions -- I don't have the
2 answer but one of the real questions is, well,
3 what does Mr. Landis do. And he might continue
4 but he more likely just exits and sells for what
5 he can.

6 Well, meanwhile Union City has already
7 adopted a resolution which says that this area,
8 which they own, is an area in need of
9 redevelopment and the follow on step would, of
10 course, to be -- to adopt a redevelopment plan to
11 allow development over there.

12 I'm not sure that second step would be
13 altogether wise. I mean all it does is, you
14 know, accommodate Mr. Landis in his exit from the
15 -- whatever. And my feeling is what has Sky
16 Pointe ever done for Union City.

17 They took one of the nicest areas of Union
18 City and trashed it. I mean basically those were
19 the nicest homes in Union City -- great views,
20 whatever, and now they have to have a chain link
21 fence around them because they're so bad.

22 So I don't see that, you know, there's any
23 need for Union City to accommodate, you know, Sky
24 Pointe. So, --

25 It's -- it's a mess and unfortunately what

1 | this probably means is the unsightly situation
2 | that we have there now will continue, but
3 | whatever. We don't have to be accommodating for
4 | people who've done this to the City I think.

5 | Thank you.

6 | MAYOR STACK: Thank you very much. Thank
7 | you.

8 | Thank you for bringing it to our attention.

9 | Anyone else wishing to comment at this
10 | time, please step forward.

11 | Seeing no other.

12 |

13 | * * *

14 |

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1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. Wendy C. Diaz t/a Tropical Bar &
4 Restaurant, 4100C Bergenline Avenue, Liquor
5 License No. 0910-33-060-003

6 2. Pupusa No. 2 Inc. t/a Pupusa Loca, 4709
7 Bergenline Avenue, Liquor License No.
8 0910-33-174-007

9

10 MAYOR STACK: The portion of the meeting
11 we'll go into now is Liquor License Disciplinary
12 Hearings.

13 Mr. Farmer?

14 MR. FARMER: Yes.

15 Good evening, members of the Board. We
16 have two licenses for disciplinary action on the
17 agenda.

18

19

* * *

20

21

22

23

24

25

1 **WENDY C. DIAZ, t/a TROPICAL BAR & RESTAURANT,**
2 **4100C Bergenline Avenue**
3 **Liquor License No. 0910-33-060-003**
4

5 MR. FARMER: The first one is Tropical Bar
6 at 4100C Bergenline Avenue. And the licensee --
7 the representative of the licensee is here, as
8 well as Detective Dunlay.

9 And as I may have mentioned at the last
10 meeting, the Police, especially Detective Dunlay,
11 is taking a more active role with respect to
12 setting the discipline with respect to the bars
13 because, basically, they have to enforce that and
14 they want to -- to be able to evaluate incidences
15 and assess the appropriate penalty.

16 With respect to this particular bar they
17 had a violation of some paper, as well as a
18 little bit of a fight. When the Police got there
19 the perpetrator was gone.

20 The person really didn't suffer much of a
21 -- an injury. Apparently he at one time was
22 there, left, came back; a whole conglomeration of
23 stuff.

24 But after all is said and done we've
25 entered into a -- an agreement that there would

1 | be a seven day suspension.

2 | All right?

3 | It's going to be starting February 15th.

4 | Okay?

5 | Is that --

6 | MAYOR STACK: Is the --

7 | MR. FARMER: Did I --

8 | MAYOR STACK: Is the --

9 | MR. FARMER: -- recite that correctly?

10 | MS. MATA: Yes.

11 | MR. FARMER: All right, would you put your

12 | name on the --

13 | MS. DILLON: Come forward.

14 | What is your name?

15 | MS. MATA: Johany Mata.

16 | MS. DILLON: Spell your name for me.

17 | MS. MATA: J-O-H-A-N-Y. Last name is M-A-

18 | T-A.

19 | MS. DILLON: M-A-T-A?

20 | MS. MATA: M-A-T-A, yes.

21 | MS. DILLON: Thank you.

22 | MR. FARMER: And you're representing the

23 | licensee?

24 | MS. MATA: Tropical -- yes.

25 | MR. FARMER: Okay.

1 MAYOR STACK: Ms. Mata, do you wish to have
2 an attorney now with you or --

3 MS. MATA: No, I feel that this --

4 MAYOR STACK: And you understand --

5 MS. DILLON: Just come forward.

6 MR. FARMER: You have to talk --

7 MS. DILLON: You're being recorded, so --

8 MS. MATA: Oh.

9 No the decision that Mr. Farmer -- it -- it
10 was good.

11 MAYOR STACK: And you understand that
12 there'll be a suspension on the license?

13 MS. MATA: Yes. We understand that.

14 MAYOR STACK: Okay.

15 And your role with the establishment?

16 What is your role with the establishment?

17 MS. MATA: Oh, I'm -- I'm the daughter-in-
18 law.

19 MAYOR STACK: I see.

20 MS. MATA: Um-hum.

21 MAYOR STACK: Okay.

22 Okay. Mr. Farmer, you said it would be --

23 MR. FARMER: February 15th.

24 MAYOR STACK: And it would be how many
25 days?

1 MR. FARMER: Seven.

2 MAYOR STACK: Seven day suspension.

3 Okay.

4 I'll make a motion.

5 ACTING CITY CLERK: Motion by Mayor Stack.

6 COMMISSIONER RIVAS: Second.

7 COMMISSIONER VALDIVIA: Second.

8 ACTING CITY CLERK: Second by Commissioner

9 Rivas.

10 Roll call.

11 Commissioner Fernandez?

12 Is absent.

13 Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 ACTING CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 ACTING CITY CLERK: Commissioner

18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 ACTING CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22 MR. FARMER: Okay.

23 You can go.

24 MS. MATA: Thank you, Mr. Farmer.

25 MAYOR STACK: Thank you very much.

1 MS. MATA: Thank you.

2 MAYOR STACK: Thank you.

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1 PUPUSA NO. 2 INC. t/a PUPUSA LOCA 4709 Bergenline
2 Avenue
3 Liquor License No. 0910-33-174-007
4

5 MR. FARMER: The next one is Pupusa Loca.

6 Detective Dunlay and I have had discussions
7 with the licensee and we've reached an agreement
8 as far as a suspension. It's going to be a
9 substantial suspension of 30 days.

10 But we're -- the licensee also, in addition
11 to agreeing to the 30 days, -- the Police have
12 thought that they've had a problem with underage
13 drinking with respect to checking the proof of
14 people coming in. Detective Dunlay expressed
15 that to the licensee and requested that the
16 licensee come with a plan as to how he was going
17 to combat people coming in.

18 Because in this particular episode what
19 happened was somebody was stopped -- a 19 year
20 old was stopped and charged with driving while
21 under the influence. In questioning the -- I was
22 questioning that defendant, I asked the obvious
23 question, where were you drinking. And the
24 answer was Pupusa Loca.

25 I must say and commend the Police

1 Department; they went there. The licensee has
2 video. They looked at the video. They saw the
3 kid there. So that's what -- so that's how we
4 came --

5 And, quite frankly, a 30 day suspension is
6 -- is probably a good result because generally
7 when you have these situations the kid or the
8 person who's involved, if he's a lay person, it's
9 very difficult to get into these proceedings.

10 So, we're going to -- with the court's --
11 with the Board's permission, we're going to put
12 it on for the next meeting and they're going to
13 come and if -- going to talk to Detective Dunlay
14 and give him the details of what they're going to
15 do as far as improving their security with
16 respect to checking proof. And if that's okay
17 with Detective Dunlay that they're proceeding
18 with a good plan, we'll be back and we'll have a
19 30 day suspension.

20 MAYOR STACK: Excellent.

21 And just another -- another comment I
22 wanted to make.

23 The Police Department, especially
24 specifically New Year's Eve, did a great job. I
25 know there were many tavern checks and the

1 Detective Bureau did a great job; Lieutenant
2 Loaces, the entire Bureau. Sergeant Dunlay, you
3 guys did a great job again out there and I
4 appreciate that.

5 I know with the number of officers we had
6 on and just when you look at the year in review,
7 when I was looking at the numbers, thank God
8 we're doing as -- as good as we are with our
9 crime numbers in the City. And I think
10 everything together, the Police Department, the
11 community working together, the Chief, everyone
12 -- the commanders, everybody working together and
13 the many community meetings we had in getting the
14 public more involved has truly made the
15 difference. Especially when you compare Union
16 City to many cities around us and throughout New
17 Jersey. It's definitely working.

18 Thank you very much for your work,
19 Sergeant.

20 SERGEANT DUNLAY: Thank you, sir.

21 MR. FARMER: Yeah.

22 That's it.

23 MAYOR STACK: Great.

24 Thank you.

25 * * *

1 EL MUNEQUITO CORP. T/A EL MIGUELINO
2 2013 Summit Avenue
3 Liquor License No. 0910-33-100-009
4

5 MAYOR STACK: El Miguelino, they're still
6 closed.

7 Correct?

8 MR. FARMER: They're open, aren't they?

9 SERGEANT DUNLAY: They're open, sir. They
10 have a --

11 MAYOR STACK: A restaurant?

12 SERGEANT DUNLAY: No, they're closed in the
13 sense that we've susp -- we revoked their license
14 but they're still on an appeal from the previous
15 revocation.

16 So they're still operating --

17 MAYOR STACK: I see.

18 SERGEANT DUNLAY: -- under the State --

19 MAYOR STACK: I see.

20 SERGEANT DUNLAY: -- the State's permission
21 to stay open --

22 MAYOR STACK: I see.

23 SERGEANT DUNLAY: -- until the hearing --
24 until the actual hearing is complete.

25 MAYOR STACK: Do we have any idea, Greg,

1 | when that will be coming back?

2 | MR. FARMER: I -- I would -- I think it's
3 | in its final stages.

4 | Mr. Sapienza's handling that but --

5 | MAYOR STACK: Okay.

6 | MR. FARMER: -- it's in the final stages of
7 | the -- of the appeal.

8 | With respect to the decision of the Board
9 | at the last meeting revoking the license,
10 | generally that has -- not generally. What it has
11 | to do is we have to pass a resolution at the next
12 | meeting.

13 | I've spoken to Ms. Nova. She's preparing
14 | the resolution. We're going to have that and
15 | we're going to move that along that way.

16 | MAYOR STACK: Great.

17 | MR. FARMER: Okay?

18 | MAYOR STACK: Thank you very much.

19 | MR. FARMER: That's it.

20 | MAYOR STACK: Thank you.

21 | Thank you very much.

22 | MR. FARMER: Okay.

23 | SERGEANT DUNLAY: Thank you, sir.

24 | MAYOR STACK: Thank you.

25 | Once again I'd like to thank everyone who

1 attended the meeting this evening.

2 Thank you, everyone.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**
2 **NOVEMBER 17, DECEMBER 1, AND DECEMBER 15, 2015:**

3

4 ACTING CITY CLERK: Mayor, before we
5 adjourn, I would like to point out one thing.

6 MAYOR STACK: Sure.

7 ACTING CITY CLERK: You voted yes on all
8 three previous meeting minutes; November 17,
9 December 1st, December 15.

10 You should recusing -- you'll be recusing
11 from December 1st because you didn't --

12 MAYOR STACK: I apologize.

13 ACTING CITY CLERK: -- attend --

14 MAYOR STACK: I was out with --

15 ACTING CITY CLERK: -- you did not attend
16 the meeting. So, --

17 MAYOR STACK: I was out with gallbladder
18 surgery.

19 ACTING CITY CLERK: -- I --

20 MAYOR STACK: I think that was my second
21 meeting in 15 --

22 ACTING CITY CLERK: Right.

23 MAYOR STACK: -- years I missed.

24 ACTING CITY CLERK: So, you'll -- you'll
25 vote yes on November 17, December 15; and

1 recusing from December 1st meeting.

2 MAYOR STACK: You got it.

3 Just set the record straight. Absolutely.

4 ACTING CITY CLERK: Yes.

5 MAYOR STACK: Thank you.

6 ACTING CITY CLERK: There's --

7 MAYOR STACK: I think I may have signed the
8 minutes, too. I think I may have --

9 ACTING CITY CLERK: No, did not.

10 MAYOR STACK: I didn't sign them?

11 ACTING CITY CLERK: You did not.

12 MAYOR STACK: Oh.

13 ACTING CITY CLERK: No, you did not.

14 MAYOR STACK: All right.

15 Very good.

16

17 **ADJOURNMENT:**

18

19 ACTING CITY CLERK: There are no other --
20 no further items on the agenda.

21 Is there a motion to adjourn?

22 MAYOR STACK: Motion.

23 COMMISSIONER MARTINETTI: Second.

24 ACTING CITY CLERK: Motion by Mayor Stack.

25 Second by Commissioner Martinetti.

1 All in favor?

2

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

4

5 (Whereupon, the proceedings were concluded
6 at 7:24 p.m.)

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1 _____ Brian P. Stack

2 _____ Maryury A. Martinetti

3 _____ Celin J. Valdivia

4 _____ Tilo E. Rivas

5 **Board of Commissioners**

6

7 **Attest:**

8 **Dominick Cantatore,**

9 **Acting City Clerk**

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 heard on Tuesday, January 5, 2016 and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon