

ORIGINAL

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

REGULAR MEETING

:
:
: TRANSCRIPT OF RECORDED
:
: PROCEEDINGS

Union Hill Middle School
3808 Hudson Avenue
Union City, New Jersey

Tuesday, February 21, 2017
Commencing at 7:02 p.m.

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

LUCIO P. FERNANDEZ, COMMISSIONER
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:

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

ERIN KNOEDLER, DEPUTY CITY CLERK

SCARINCI HOLLENBECK
BY: KRYSTLE NOVA, ESQ.
Corporation Counsel

GREGORY T. FARMER, ESQ.
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A P P E A R A N C E S:

RAMON M. GONZALEZ, ESQ.
Attorney for Mayen Corp. t/a El Trebol

RAMON M. GONZALEZ, ESQ.
Attorney for Cactus Restaurant t/a Cactus Restaurant

1 DEPUTY CITY CLERK: This is a Regular
2 Meeting of the Union City Board of Commissioners
3 being held on Tuesday, February 21st, 2017, at
4 seven p.m. at the Union Hill Middle School, 3808
5 Hudson Avenue, Union City, New Jersey.

6 Please rise for the Pledge of Allegiance.

7
8 (Whereupon the Pledge of Allegiance was
9 said by all.)
10

11 DEPUTY CITY CLERK: This meeting has been
12 called in accordance with Chapter 231, the Open
13 Public Meetings Act.

14 Adequate notice has been provided to The
15 Jersey Journal, The Record, The Hudson Reporter,
16 and has been posted on the bulletin board in City
17 Hall and made available to the public in the
18 Office of the Municipal Clerk.
19

20 **ROLL CALL:**
21

22 DEPUTY CITY CLERK: Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Here.

24 DEPUTY CITY CLERK: Commissioner Rivas?

25 COMMISSIONER RIVAS: Here.

1 DEPUTY CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Here.

3 DEPUTY CITY CLERK: Commissioner

4 Martinetti?

5 COMMISSIONER MARTINETTI: Here.

6 DEPUTY CITY CLERK: Mayor Stack?

7 MAYOR STACK: Here.

8

9 (Whereupon, the Board discussed and took
10 action on the following item:

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

12 1. AN ORDINANCE AMENDING CHAPTER 58 OF THE
13 CODE OF THE CITY OF UNION CITY ENTITLED
14 "ALCOHOLIC BEVERAGE CONTROL.)

15

16 DEPUTY CITY CLERK: There's one Ordinance
17 on for Introduction. If the Ordinance is adopted
18 on first reading, it will be further considered
19 at the Board of Commissioners Meeting held on
20 March 7th, 2017, at the Housing Authority Hillside
21 Pavilion, 3911 Kennedy Boulevard, Union City, New
22 Jersey.

23 This is an Ordinance Amending Chapter 58 of
24 the Code of the Union City Entitled Alcoholic
25 Beverage Control.

1 May I have a motion to introduce?

2 MAYOR STACK: Motion.

3 DEPUTY CITY CLERK: Motion by --

4 COMMISSIONER MARTINETTI: Second.

5 DEPUTY CITY CLERK: -- Mayor Stack.

6 Second by Commissioner Martinetti.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes.

9 DEPUTY CITY CLERK: Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 DEPUTY CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 DEPUTY CITY CLERK: Commissioner

14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 DEPUTY CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18

19 (Whereupon, the Board discussed and took

20 action on the following items in total:

21 **CONSENT AGENDA:**

22 (1) Resolution Approving the Payment of Claims

23 (2) Resolution Approving the Payment of

24 Concurring Claims

25 (3) Resolution Approving the Payment of

1 Concurring Escrow Funds

2 (4) Resolution Approving the City Payroll for
3 the Period of February 4, 2017 through February
4 17, 2017

5 (5) Resolution Approving the Library Payroll
6 for the Period of February 4, 2017 through
7 February 17, 2017

8 (6) Resolution Authorizing the Clerk to
9 Advertise for Bids for Kerrigan Avenue
10 Improvements (Phase 1) Project

11 (7) Resolution to Appoint Mayriam Mario Bordon
12 as the Office of Emergency Management Coordinator

13 (8) Resolution Approving the Renewal of 2013-
14 2014 Plenary Retail Consumption License Number
15 0910-33-063-005 to 1705 Restaurant, LLC

16 (9) Resolution Approving the Renewal of 2014-
17 2015 Plenary Retail Consumption License Number
18 0910-33-093-005 to Rafael Fernandez

19 (10) Resolution Approving the Renewal of 2015-
20 2016 Plenary Retail Consumption License Number
21 0910-33-093-005 to Rafael Fernandez

22 (11) Resolution Approving the Renewal of 2015-
23 2016 Renewal of Plenary Retail Consumption
24 License Number 0910-33-063-005 to 1705 Restaurant
25 LLC

1 (12) Resolution Approving the Renewal of 2016-
2 2017 Plenary Retail Consumption License Number
3 0910-33-093-005 to Rafael Fernandez

4 (13) Resolution Approving a Contract for Park
5 Landscape and Maintenance for Ellsworth Park,
6 Washington Park and Police Memorial Park to Pat
7 Scanlan Landscaping, LLC

8 (14) Resolution Approving a Contract for Park
9 Landscape and Maintenance for Various Parks to
10 Pat Scanlan Landscaping, LLC

11 (15) Resolution Approving a Contract for
12 Installation of Playground Features and Safety
13 Surface at Duarte Park to Picerno Giordano

14 (16) Resolution Approving a Contract for the
15 Summit Avenue Street Project (26th Street to 30th
16 Street) to S. Batata Construction.

17 (17) Resolution Approving Contract for Ellsworth
18 Park Equipment - Helicopter (ADD ON).)

19

20 DEPUTY CITY CLERK: There are 16 items on
21 the Regular -- Consent Agenda.

22 The first is a Resolution Approving the
23 Payment of Claims.

24 The second is a Resolution Approving the
25 Payment of Concurring Claims.

1 The third is a Resolution Approving the
2 Payment of Concurring Escrow Funds.

3 The fourth is a Resolution Approving the
4 City Payroll for the Period of February 4th, 2017
5 through February 17th, 2017.

6 The fifth is a Resolution Approving the
7 Library Payroll for the Period of February 4th,
8 2017 through February 17th, 2017.

9 The sixth is a Resolution Authorizing the
10 Clerk to Advertise for Bids for Kerrigan Avenue
11 Improvements, Phase 1, Project.

12 The seventh is a Resolution to Appoint
13 Mayriam Mario Bordon as the Office of Emergency
14 Management Coordinator.

15 The eighth is a Resolution Approving the
16 Renewal of the 2013-2014 Plenary Retail
17 Consumption License Number 0910-33-063-005 to
18 1705 Restaurant, LLC.

19 The ninth is a Resolution Approving the
20 Renewal of the 2014-2015 Plenary Retail
21 Consumption License to Number 0910-33-093-005 to
22 Rafael Fernandez.

23 The tenth is a Resolution Approving the
24 Renewal of 2015-2016 Plenary Retail Consumption
25 License Number 0910-33-093-005 to Rafael

1 Fernandez.

2 The eleventh is a Resolution Appointing
3 (sic) the Renewal of 2015-2016 Renewal of the
4 Plenary Retail Consumption License Number
5 0910-33-063-005 to 1705 Restaurant LLC.

6 The twelfth is a Resolution Approving the
7 Renewal of 2016-2017 Plenary Retail Consumption
8 License Number 0910-33-093-005 to Rafael
9 Fernandez.

10 The thirteenth is a Resolution Approving
11 the Contract for Park Landscape and Maintenance
12 for Ellsworth Park, Washington Park, Police
13 Memorial Park to Pat Scanlan Landscaping, LLC.

14 The fourteenth is a Resolution Approving a
15 Contract for Park Maintenance/Landscape for the
16 Various Parks to Pat Scanlan Landscaping, LLC.

17 The fifteenth is a Resolution Approving the
18 Contract for Installation of Playground Features
19 and Safety Surface at Duarte Park to Picerno
20 Giordano.

21 The sixteenth is a Resolution Approving a
22 Contract for the Summit Avenue Street Project,
23 26th Street to 30th Street, to S. Batata
24 Construction.

25 Mayor, at this time would you like to open

1 for public comment?

2 MAYOR STACK: Sure.

3 Just before we do, welcome to everyone to
4 the Commission Meeting this evening.

5 On the Park Maintenance for Ellsworth Park,
6 Washington Park, Police Memorial, along with the
7 maintenance of all parks, this is just in
8 continuing what we do every year in keeping our
9 parks in good condition, with professional
10 landscaping.

11 And in addition to that, the installation
12 of playground features and safety equipment at
13 Duarte Park. That -- we're hoping to get that
14 park open in May, before Memorial Day Weekend.
15 It has new features; it's going to be beautiful
16 when it's completed.

17 And also a contract for Summit Avenue.
18 That's to continue the work that we've begun on
19 Summit Avenue with new sidewalks, new streets,
20 new planting of trees, and also decorative
21 lighting.

22 Also, is Ellsworth Park on here, for the --
23 the -- we're going to put on tonight for the
24 awarding of the contract for --

25 DEPUTY CITY CLERK: That's this one; the

1 thirteenth.

2 MAYOR STACK: No, which one?

3 DEPUTY CITY CLERK: Number 13?

4 MAYOR STACK: No.

5 DEPUTY CITY CLERK: There's another one for
6 Ellsworth Park for --

7 MAYOR STACK: For 261,000 for a piece of
8 equipment. That's the one that we called you on.

9 DEPUTY CITY CLERK: Yes. That's --

10 MAYOR STACK: Yeah.

11 DEPUTY CITY CLERK: I'm sorry, that was an
12 error.

13 MAYOR STACK: Yeah.

14 DEPUTY CITY CLERK: There -- Mayor, there's
15 number -- item number 17 is a Resolution
16 Approving the Contract for 261,000 for the
17 Ellsworth Park Equipment for the Helicopter.

18 MAYOR STACK: And what we're doing to
19 Ellsworth Park, we're just putting in new
20 equipment where we always had equipment. The
21 equipment's very, very old. It's on the Palisade
22 Avenue side of Ellsworth Park.

23 It's a confined area where there's some
24 play equipment at the area children use in the
25 daycares. We're just replacing on that same

1 footprint the equipment that's there.

2 The equipment that's been chosen, it's in a
3 range of about -- well, the exact number is
4 261,000.

5 In fact, I just got a picture of what we're
6 doing there. Anyone who would like to see it
7 after, you're more than welcome to take a look at
8 it; it's up on the table here.

9 And that will be done -- we're trying to
10 get that done before Memorial Day Weekend. And
11 that's at Ellsworth Park.

12 Anyone wishing to comment on the Consent
13 Agenda please step forward, state your name and
14 address for the record.

15 Seeing none.

16 DEPUTY CITY CLERK: May I have a motion to
17 close public comment?

18 COMMISSIONER VALDIVIA: Motion.

19 COMMISSIONER RIVAS: Motion.

20 Second.

21 DEPUTY CITY CLERK: Motion by Commissioner
22 Valdivia.

23 Second by Commissioner Rivas.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 DEPUTY CITY CLERK: Commissioner Rivas?
2 COMMISSIONER RIVAS: Yes.
3 DEPUTY CITY CLERK: Commissioner Valdivia?
4 COMMISSIONER VALDIVIA: Yes.
5 DEPUTY CITY CLERK: Commissioner
6 Martinetti?
7 COMMISSIONER MARTINETTI: Yes.
8 DEPUTY CITY CLERK: Mayor Stack?
9 MAYOR STACK: Yes.
10 DEPUTY CITY CLERK: May I have a motion to
11 approve all agenda items on Consent?
12 COMMISSIONER VALDIVIA: Motion.
13 DEPUTY CITY CLERK: Motion by Commissioner
14 Valdivia.
15 COMMISSIONER RIVAS: Second.
16 DEPUTY CITY CLERK: Second by Commissioner
17 Rivas.
18 Commissioner Fernandez?
19 COMMISSIONER FERNANDEZ: Yes.
20 DEPUTY CITY CLERK: Commissioner Rivas?
21 COMMISSIONER RIVAS: Yes.
22 DEPUTY CITY CLERK: Commissioner Valdivia?
23 COMMISSIONER VALDIVIA: Yes.
24 DEPUTY CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: I'm recusing for
2 number 1, payments to Adolfo Lopez -- Adolfo
3 Lopez and Luis Diaz.

4 Aye on the rest.

5 DEPUTY CITY CLERK: And Mayor Stack?

6 MAYOR STACK: Yes.

7 DEPUTY CITY CLERK: Yes.

8

9 (Whereupon, the Board discussed and took
10 action on the following item:

11 **ORDINANCES FOR HEARING AND ADOPTION**

12 **CONSIDERATION:**

13 2. AN ORDINANCE AMENDING CHAPTER 334 "RENT
14 STABILIZATION".)

15

16 DEPUTY CITY CLERK: There are two
17 Ordinances on for final reading.

18 The first Ordinance is an Ordinance
19 Amending Chapter 334 of the Rent Stabilization.

20 MAYOR STACK: Krystle, could you explain
21 that please, that Ordinance?

22 MS. NOVA: Yes.

23 This is an Ordinance that amends the Rent
24 Stabilization Ordinance and it provides that
25 parcels of land or premises with four or more

1 units are subject to the protections of the Rent
2 Control Ordinance.

3 This is being changed because there was a
4 case that was decided in 2015 that changed the
5 definition of buildings.

6 And the -- the current Ordinance,
7 basically, it wouldn't -- it wouldn't apply to it
8 if we used the definition of building. So for
9 that reason we're changing it to parcel and
10 premises and for that reason we are going to
11 change the definition.

12 DEPUTY CITY CLERK: Would you like to open
13 it for public comment?

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

17 Seeing none.

18 DEPUTY CITY CLERK: May I have a motion to
19 close public comment?

20 COMMISSIONER VALDIVIA: Motion.

21 DEPUTY CITY CLERK: Motion by Commissioner
22 Valdivia.

23 COMMISSIONER FERNANDEZ: Second.

24 DEPUTY CITY CLERK: Second by Commissioner
25 Fernandez.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 DEPUTY CITY CLERK: I'm sorry. May I have
4 a motion to adopt?

5 MAYOR STACK: Motion.

6 DEPUTY CITY CLERK: Motion by Mayor Stack.
7 Second?

8 COMMISSIONER FERNANDEZ: Second.

9 DEPUTY CITY CLERK: Second by Commissioner
10 Fernandez.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 DEPUTY CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 DEPUTY CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 DEPUTY CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 DEPUTY CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22

23 (Whereupon, the Board discussed and took

24 action on the following item:

25 **ORDINANCES FOR HEARING AND ADOPTION**

1 **CONSIDERATION:**

2 3. AN ORDINANCE AMENDING THE CODE OF THE CITY
3 OF UNION CITY CREATING A CITY OF UNION CITY
4 IDENTIFICATION CARD PROGRAM FOR RESIDENTS OF THE
5 CITY OF UNION CITY.)

6
7 DEPUTY CITY CLERK: The next is an
8 Ordinance Amending the Code of Union City
9 Creating the City of Union City Identification
10 Card Program for Residents of the City of Union
11 City.

12 Mayor, would you like to open for public
13 comment?

14 MAYOR STACK: Sure. As we stated in our
15 last meeting, this is an important Ordinance for
16 all residents to receive their Union City
17 identification card. Whether they're documented,
18 undocumented, doesn't really matter. We want to
19 help everyone who wants to get an identification
20 card to receive one.

21 These would be given out also for free.
22 We'll also have extended hours at City Hall for
23 residents who are working during the day can come
24 in in the evening hours and obtain a -- an ID
25 card.

1 Anyone wishing to comment at this Ordinance
2 at this time, please step forward, state your
3 name and address for the record.

4 MR. PRICE: Okay. Here?

5 MAYOR STACK: Yes?

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

8 Last time I raised a question about parking
9 permits. And Sergeant Cuellar called me on
10 taking care of --

11 But a few things came out of that
12 conversation. I said what happens to someone in
13 my building, does not own a car, does not have a
14 driver's license but has visitors needs parking
15 permits. How do they -- how do they obtain them?

16 He said, well, the way our system works
17 they've got to have some kind of means of
18 identification. They don't really have it.

19 So I said well how about the -- the Union
20 City ID program that we're putting into effect
21 come March 1st, will that work? He wasn't quite
22 sure.

23 It would be very helpful for people in that
24 situation or people who don't want to surrender
25 their license, like me, because of the

1 | information that's on those magnetic tapes on the
2 | back. It would be very useful if they could use
3 | the Union City ID to obtain their --

4 | MAYOR STACK: They'll be able to. They'll
5 | be able to.

6 | MR. PRICE: They will be able to.

7 | MAYOR STACK: We have a meeting with all
8 | the Directors on Friday morning at eight o'clock
9 | just to go over this. We wanted to wait until we
10 | got this done tonight. And then Friday morning
11 | we're meeting with all the Directors and the
12 | memo's being done to every City employee on this
13 | issue but they'll be able to use it.

14 | MR. PRICE: Okay.

15 | MAYOR STACK: Absolutely.

16 | MR. PRICE: Yeah, that's very helpful --

17 | MAYOR STACK: Hundred percent.

18 | MR. PRICE: -- because --

19 | MAYOR STACK: They'll be able to use it for
20 | any -- any item that they can in the City or the
21 | Board of Education; any of the City -- everybody
22 | will honor it, guaranteed. We're even trying to
23 | get the banks to honor it. We're trying.

24 | MR. PRICE: Work on that.

25 | MAYOR STACK: Exactly.

1 Anyone else wishing to comment on this
2 Ordinance at this time, please step forward.

3 Seeing none.

4 DEPUTY CITY CLERK: May I have a motion to
5 close?

6 COMMISSIONER RIVAS: Motion.

7 DEPUTY CITY CLERK: Motion by Commissioner
8 Rivas.

9 COMMISSIONER VALDIVIA: Second.

10 DEPUTY CITY CLERK: Second by Commissioner
11 Valdivia.

12 Commissioner --

13 May I have a motion to adopt?

14 COMMISSIONER VALDIVIA: Motion.

15 DEPUTY CITY CLERK: Motion by Commissioner
16 Valdivia.

17 COMMISSIONER RIVAS: Second.

18 DEPUTY CITY CLERK: Second by Commissioner
19 Rivas.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 DEPUTY CITY CLERK: Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 DEPUTY CITY CLERK: Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 DEPUTY CITY CLERK: Commissioner
2 Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 DEPUTY CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6 I would just like to thank the Board of
7 Commissioners and really for the -- the general
8 public in the City of Union City; I probably
9 received over a thousand calls on this issue and
10 the Sanctuary City issue and I would have to say
11 it's probably 98 percent in favor of what we're
12 doing, both with the Sanctuary City and also with
13 the Municipal ID Program.

14 I -- I'm very proud of the Board of
15 Commissioners. Each Commissioner -- Lucio, Tilo,
16 Celin, and Margie, for standing up for whether
17 you're documented or undocumented in our
18 community.

19 Thank you, everyone.

20

21 (Whereupon, the Board discussed and took
22 action on the following item:

23 **REGULAR AGENDA:**

24 1. Resolution for a Payment of Claim to the
25 Grace Theater Workshop, Inc.)

1
2 DEPUTY CITY CLERK: Mayor, we have one item
3 on the Regular Agenda.

4 It's a Resolution for the Payment of Claim
5 to the Grace Theater Workshop.

6 May I have a --

7 MAYOR STACK: I'll move it.

8 DEPUTY CITY CLERK: Motion by Mayor Stack.

9 COMMISSIONER VALDIVIA: Second.

10 DEPUTY CITY CLERK: Second by Commissioner
11 Valdivia.

12 Commissioner Fernandez is recusing.

13 Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 DEPUTY CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 DEPUTY CITY CLERK: Commissioner
18 Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 DEPUTY CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22

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

24

25 DEPUTY CITY CLERK: At this time, Mayor,

1 would you like to open up the -- for public
2 comment on any item?

3 MAYOR STACK: Sure.

4 Anyone wishing to address the Board of
5 Commissioners at this time please step forward,
6 state your name and address for the record.

7 MR. PRICE: Still Larry Price. Still 1006
8 Palisade.

9 Question?

10 The development community in the last week
11 or so has been kind of convulsed with wild rumors
12 about various things.

13 The -- the best rumors are that there will
14 be a City moratorium on construction over four
15 stories and there will be a moratorium on
16 construction of any structures larger than three
17 families.

18 Any truth to it?

19 MAYOR STACK: We -- we adopted -- well we
20 didn't adopt. We introduced a moratorium at a
21 Commission Meeting.

22 When -- when was the meeting, Krystle?

23 MS. NOVA: The 14th.

24 It was a Special Meeting.

25 MAYOR STACK: Special Meeting on the 14th.

1 MR. PRICE: The one at eight o'clock in the
2 morning?

3 MS. NOVA: Yes.

4 MAYOR STACK: Yes.

5 We also -- we did both that and we also did
6 part of a Rent Control Ordinance. So we're
7 looking at that.

8 We'll have a hearing very shortly.

9 MR. PRICE: Regular Meeting or a Special
10 Meeting?

11 MAYOR STACK: It will be a Regular Meeting.

12 MR. PRICE: Regular Meeting.

13 Is it --

14 By the way, I got a copy of the agenda for
15 the meeting on the 14th -- eight o'clock in the
16 morning is a little too early for me, so -- and
17 there seemed to be only the Rent Stabilization
18 thing on the agenda.

19 DEPUTY CITY CLERK: No. That's incorrect.
20 Both items were on the agenda.

21 MR. PRICE: Oh. Okay.

22 I just saw --

23 MAYOR STACK: Can you get Larry a copy of
24 that agenda?

25 DEPUTY CITY CLERK: Yes, absolutely.

1 MAYOR STACK: Please get him a copy of it
2 tomorrow.

3 DEPUTY CITY CLERK: Um-hum.

4 MR. PRICE: Of the -- of the -- not of the
5 agenda but of the -- the Ordinance that you --

6 MAYOR STACK: Right, we're just doing a
7 further review of it and then we'll be announcing
8 when we'll be --

9 MS. NOVA: Yeah.

10 MAYOR STACK: -- having the next meeting.

11 MR. PRICE: By the way, are those accurate,
12 no more than four stories and no more than
13 three --

14 MAYOR STACK: We were looking to limit
15 development in Union City to four stories and
16 basically to have a moratorium for six months.

17 MR. PRICE: On everything?

18 MAYOR STACK: Just to study it further.

19 MR. PRICE: Okay.

20 Very good.

21 MAYOR STACK: Thank you.

22 Anyone else wishing to comment at this
23 time, please step forward.

24 Seeing no other.

25 DEPUTY CITY CLERK: May I have a comment --

1 or a motion to close?

2 MAYOR STACK: Motion.

3 DEPUTY CITY CLERK: Motion by --

4 COMMISSIONER MARTINETTI: Second.

5 DEPUTY CITY CLERK: -- by Mayor Stack.

6 COMMISSIONER VALDIVIA: Second.

7 DEPUTY CITY CLERK: Second by Commissioner

8 Martinetti.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 DEPUTY CITY CLERK: Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 DEPUTY CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 DEPUTY CITY CLERK: Commissioner

16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 DEPUTY CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

21

* * *

22

23

24

25

1 LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

2

3 1. Mayen Corp.

4 T/A El Trebol

5 Location: 3204 Bergenline Avenue

6 License No. 0910-33-190-008

7 2. Niel Akshar

8 T/A Reuben Liquors

9 Location: 2117 Summit Ave.

10 License No. 0910-33-178-005

11 3. Cactus Restaurant

12 T/A Cactus Restaurant

13 Location: 426 32nd Street

14 License No. 0910-33-227-005

15 4. Wendy C. Diaz

16 T/A Tropical Bar & Restaurant

17 Location: 4100C Bergenline Avenue

18 License No. 0910-33-060-003

19

20 DEPUTY CITY CLERK: At this time we have

21 Liquor License Disciplinary Proceedings.

22 MAYOR STACK: Sure.

23 Mr. Farmer?

24 MR. FARMER: Yes.

25 (Whereupon, there was a pause in the

1 | proceedings.)

2 | MR. FARMER: Good evening, members of the
3 | Board.

4 | COMMISSIONER RIVAS: Good evening.

5 | MR. FARMER: Have a number on your agenda.

6 |

7 |

* * *

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1 MAYEN CORP.

2 T/A EL TREBOL

3 Location: 3204 Bergenline Avenue

4 Liquor License No. 0910-33-190-008

5

6 MR. FARMER: The first one is El Trebol.

7 And the licensee is here, along with his

8 attorney, Mr. Gonzalez.

9 Mr. Gonzalez and I have talked about this
10 case. This case is a case where there's I guess
11 confusion or whatever you want to call it. This
12 is a case deals with when the clocks were rolled
13 back an hour the licensee said, ah, it was three
14 o'clock, so if you roll it back an hour it was
15 two o'clock, so I can stay out or stay open
16 another hour. That's not the law, that's not the
17 case, and consequently there was a violation.

18 We've worked it out; seven days, from March
19 7th (sic) to March 10th (sic). And I would
20 recommend that.

21 MR. GONZALEZ: That includes the -- they
22 had like a paper thing.

23 MR. FARMER: Yes, includes both.

24 MR. GONZALEZ: For the record, Ramon
25 Gonzalez, G-O-N-Z-A-L-E-Z; firm, Gonzalez and

1 Caride.

2 Mr. Farmer is correct. We did have an
3 opportunity to speak to -- with this at length.
4 My client is here; he is the owner. He's
5 consented. We've given dates that would be
6 appropriate for the suspension. And I would
7 respectfully request that the Board accept the
8 proposal of Mr. Farmer.

9 MAYOR STACK: Thank you very much, Mr.
10 Gonzalez.

11 Motion.

12 DEPUTY CITY CLERK: Motion by Mayor Stack.

13 COMMISSIONER RIVAS: Second.

14 DEPUTY CITY CLERK: Second by Commissioner
15 Rivas.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 DEPUTY CITY CLERK: Commissioner Rivas?

19 COMMISSIONER RIVAS: Yes.

20 DEPUTY CITY CLERK: Commissioner Valdivia?

21 COMMISSIONER VALDIVIA: Yes.

22 DEPUTY CITY CLERK: Commissioner
23 Martinetti?

24 COMMISSIONER MARTINETTI: Can -- can you
25 repeat the dates that it's going to be closed?

1 MR. FARMER: Yes. March 3rd (sic) to March
2 10th (sic).

3 COMMISSIONER MARTINETTI: All right.

4 Thank you.

5 A VOICE: The 4th. March --

6 DEPUTY CITY CLERK: Yes?

7 COMMISSIONER MARTINETTI: Yes.

8 A VOICE: Correct.

9 DEPUTY CITY CLERK: Mayor Stack?

10 MAYOR STACK: Yes.

11 MR. GONZALEZ: It's --

12 A VOICE: The 4th --

13 MR. GONZALEZ: It was the 4th, Greg.

14 MR. FARMER: The 4th?

15 A VOICE: The 4th to --

16 MR. FARMER: I'm sorry.

17 The 4th to the 11th?

18 MAYOR STACK: Okay, no problem.

19 DEPUTY CITY CLERK: Okay?

20 MAYOR STACK: Thank you very much.

21 MR. FARMER: Okay.

22 MAYOR STACK: Thank you.

23 MR. FARMER: And --

24 MAYOR STACK: Thank you, Mr. Gonzalez.

25 MR. FARMER: And the condition, no appeal

1 to convert it into a fine.

2 MR. GONZALEZ: No. No.

3 MR. FARMER: Okay.

4 MR. GONZALEZ: That's fine.

5 MR. FARMER: That's it.

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1 NIEL AKSHAR

2 T/A REUBEN LIQUORS

3 Location: 2117 Summit Avenue

4 Liquor License No. 0910-33-178-005

5

6 MR. FARMER: The next one is Reuben Liquor.

7 We're waiting for Mr. Espinosa. We have
8 the Police Officers here and Mr. Sapienza's here
9 to try to the case because it will be a trial.

10 I'm just waiting for him.

11 And I checked with my office before I
12 arrived to ensure that he was coming and we've
13 notified him. So let's just see what happens.

14 MAYOR STACK: Was this postponed once
15 before?

16 MS. NOVA: Yes.

17 MAYOR STACK: Yeah, --

18 MR. FARMER: It probably --

19 MAYOR STACK: -- I think so, --

20 MR. FARMER: -- has been.

21 MS. NOVA: Yes, it was.

22 MAYOR STACK: -- right?

23 MR. FARMER: Oh, yeah.

24 MS. NOVA: Yes.

25 MR. FARMER: No, I remember. But,

1 | legitimately, it was --

2 | MAYOR STACK: He was sick or something.

3 | MR. FARMER: Yes he was. And he's been
4 | sick.

5 | MAYOR STACK: Okay.

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1 CACTUS RESTAURANT

2 T/A CACTUS RESTAURANT

3 Location: 426 32nd Street

4 Liquor License No. 0910-33-227-005

5

6 MR. FARMER: The next one is Cactus
7 Restaurant. That's with Mr. Gonzalez here.

8 He and I have talked about this and we'd
9 both like it to be adjourned to another date
10 because we might be able to work it out. Or if
11 it's a trial, we have to adjust for the time --

12 MAYOR STACK: Okay.

13 MR. FARMER: -- that it's going to take.

14 MAYOR STACK: Mr. Gonzalez, I -- I don't --
15 we don't need to get into the whole thing right
16 now but do they own the building where the
17 restaurant is? Or, no, they rent?

18 MR. GONZALEZ: You know what, I -- I don't
19 know.

20 MAYOR STACK: Could you find out for me?

21 MR. GONZALEZ: They were here. I --

22 MAYOR STACK: That's fine.

23 MR. GONZALEZ: I told them to leave. But
24 I'll find out.

25 MAYOR STACK: That -- going -- because I

1 just need to speak to them. It's not something
2 that relates to their establishment but people
3 getting into the hallway at night.

4 MR. GONZALEZ: Oh, okay.

5 MAYOR STACK: Some people have called me.
6 But I can go into more detail with --

7 MR. GONZALEZ: I'll -- I'll definitely
8 found out --

9 MAYOR STACK: Thank you.
10 I appreciate it.

11 MR. GONZALEZ: -- by tomorrow and I'll --

12 MAYOR STACK: Yeah.

13 MR. GONZALEZ: -- I'll let you know.

14 MAYOR STACK: It's -- it's more of like a
15 -- a concern of some of the people who live
16 there.

17 MR. GONZALEZ: Okay, absolutely, I
18 understand.

19 MR. FARMER: Okay, we'll --

20 MR. GONZALEZ: That's it?

21 MR. FARMER: -- carry it and I'll let you
22 know the new date.

23 MR. GONZALEZ: Okay.

24

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2 MR. GONZALEZ: On an aside note -- and I
3 guess I should have done this when you had open
4 comment.

5 I think everybody here knows that I hire
6 the kids from Union City --

7 MAYOR STACK: Yes.

8 MR. GONZALEZ: -- through the program. And
9 it's absolutely phenomenal.

10 Today my intern was just accepted to NYU.

11 MAYOR STACK: Outstanding.

12 MR. GONZALEZ: So, --

13 MAYOR STACK: Great.

14 MR. GONZALEZ: -- that's the third one
15 that's going to Ivy League.

16 One is a commissioned officer in the Navy.

17 MAYOR STACK: That's great.

18 MR. GONZALEZ: Another one just finished
19 Seton Hall and is going to medical school.

20 COMMISSIONER VALDIVIA: That's great.

21 MR. GONZALEZ: And this one's going to NYU.

22 MAYOR STACK: Excellent.

23 MR. GONZALEZ: It's a really good program.

24 You guys should go and attend when they have
25 their function.

1 MAYOR STACK: Thanks -- thanks for being
2 part of it.

3 MR. FARMER: Talk to you later.

4 MAYOR STACK: Thank you.

5 Thank you.

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1 WENDY C. DIAZ

2 T/A TROPICAL BAR & RESTAURANT

3 Location: 4100C Bergenline Avenue

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

5

6 MR. FARMER: Okay, let's go.

7 Detective Dunlay?

8 The next one is Tropical Bar and
9 Restaurant. The licensee is here.

10 Detective Dunlay and I have had
11 conversations with the licensee, last Thursday
12 and again today, about the charges.

13 With this -- this is -- we've had two
14 previous offenses that dealt with fights and
15 brawls and things like that. They've been
16 suspended for five and seven days at a clip.

17 This one we have worked out a deal 21 days
18 because it really is a third offense and it would
19 be from March 18th to April 7th.

20 Now we've -- as I said we have conferred
21 with the licensee on two previous occasions here
22 and I've always asked them if they wanted a
23 lawyer. The licensee is here; she has limited
24 English but her son is here and he is fluent in
25 English.

1 So that is the situation and I would
2 recommend that suspension to the Board.

3 MAYOR STACK: Okay.

4 Sir, good evening.

5 Did you understand what Mr. Farmer has just
6 said?

7 MR. DIAZ: Yes.

8 MAYOR STACK: What he just stated? You do.

9 Does your mom want to be represented by a
10 -- by an attorney?

11 (Whereupon, Spanish was spoken.)

12 MR. DIAZ: No.

13 MAYOR STACK: You understand it would be
14 for a 21 day suspension, which means the
15 establishment wouldn't be able to serve liquor.

16 MR. DIAZ: Yes.

17 MAYOR STACK: I guess it would be --

18 Would it be closed totally? Or it would --
19 would have --

20 MR. FARMER: Well, if they have food and
21 things like that, --

22 MAYOR STACK: They can sell food.

23 You just wouldn't be able to serve
24 liquor --

25 MR. DIAZ: Right.

1 MAYOR STACK: -- from March 18th to April
2 7th.

3 MR. FARMER: Right. Can't sell it or
4 serve. Can't sell it or serve it.

5 MAYOR STACK: Right.

6 Do you want to --

7 MR. DIAZ: They're going to close.

8 MAYOR STACK: Okay.

9 MR. DIAZ: Yeah, that way there's no --

10 MAYOR STACK: Okay, so you agree to a 21
11 day suspension?

12 MR. DIAZ: Yes.

13 MAYOR STACK: And you're -- you're --
14 you're not going to hire an attorney? You don't
15 want to hire an attorney or anything?

16 MR. DIAZ: No.

17 MAYOR STACK: No. Okay. Okay.

18 Your relationship is? That -- that's your
19 mom?

20 MR. DIAZ: I'm her son.

21 MAYOR STACK: That's your mom. Okay.
22 Great.

23 Okay.

24 COMMISSIONER MARTINETTI: And she
25 understands what's going on?

1 MR. DIAZ: Yes. I've explained to her.

2 MAYOR STACK: Okay.

3 COMMISSIONER MARTINETTI: Okay.

4 Thank you.

5 COMMISSIONER FERNANDEZ: Just -- can you
6 just state your name for the record please?

7 (Whereupon, Commissioner Fernandez
8 addressed Ms. Diaz in Spanish.)

9 MS. DIAZ: (Spanish was spoken) -- Wendy
10 Diaz -- (Spanish was spoken).

11 MR. DIAZ: Yes. She said Wendy Diaz.

12 MAYOR STACK: Are you listed as an owner of
13 the establishment?

14 (Whereupon, Spanish was spoken.)

15 MS. DIAZ: No, (Spanish was spoken).

16 MAYOR STACK: What -- what is your role --
17 what is your role with the establishment?

18 What -- what is your position with the --
19 with the -- with the bar/restaurant?

20 MR. DIAZ: Basically, she is the owner.

21 MAYOR STACK: She's the owner.

22 MR. DIAZ: The -- the license -- the name
23 -- the license is my sister's. But she runs the
24 establishment; she owns it, she --

25 MAYOR STACK: Okay.

1 MR. FARMER: Who's Wendy Diaz?
2 MR. DIAZ: That's her -- my sister.
3 A VOICE: (Spanish was spoken.)
4 MR. FARMER: Okay and you're the manager?
5 MR. DIAZ: Um-hum.
6 MAYOR STACK: Okay. Okay.
7 I'll make a motion to accept the plea.
8 COMMISSIONER FERNANDEZ: I'm sorry, what's
9 his name?
10 MR. DIAZ: Peter Diaz, representing
11 Tropical Bar and Restaurant.
12 MAYOR STACK: Thank you.
13 MR. DILLON: Sir? Your name's Peter?
14 MR. DIAZ: Peter Diaz, yes.
15 MR. DILLON: Okay.
16 DEPUTY CITY CLERK: Motion made by Mayor
17 Stack.
18 COMMISSIONER FERNANDEZ: Second.
19 DEPUTY CITY CLERK: Second by Commissioner
20 Fernandez.
21 Commissioner Fernandez?
22 COMMISSIONER FERNANDEZ: Yes.
23 DEPUTY CITY CLERK: Commissioner Rivas?
24 COMMISSIONER RIVAS: Yes.
25 DEPUTY CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 DEPUTY CITY CLERK: Commissioner

3 Martinetti?

4 COMMISSIONER MARTINETTI: Yes.

5 DEPUTY CITY CLERK: Mayor Stack?

6 MAYOR STACK: Yes.

7 DEPUTY CITY CLERK: At this time, Mayor, we

8 have no other items on the agenda.

9 MAYOR STACK: You want to try to reach Mr.

10 Espinosa?

11 MR. FARMER: Yeah, I'll try and reach him.

12 MAYOR STACK: We'll give it a couple

13 minutes?

14 MR. FARMER: Yeah. Yes.

15 MAYOR STACK: Thank you very much. Thank

16 you.

17 Have a good night.

18 Thank you.

19 COMMISSIONER VALDIVIA: Good night.

20

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23 (Whereupon, there was a pause in the

24 proceedings, 7:23:27 p.m. to 7:25:27 p.m.)

25

1 COMMISSIONER FERNANDEZ: Can we go to --
2 can we go into -

3 Can we go off the record?

4 All right, let's go -- can we go off the
5 record, Erin?

6 DEPUTY CITY CLERK: Yes, please.

7 COMMISSIONER FERNANDEZ: Can we go off the
8 record?

9 COMMISSIONER RIVAS: Go off --

10 DEPUTY CITY CLERK: Can we just get a
11 motion to go off the record so we're not
12 recording?

13 COMMISSIONER FERNANDEZ: Motion.

14 MS. NOVA: Oh, yeah, yeah.

15 COMMISSIONER FERNANDEZ: Motion.

16 MS. NOVA: Are we not off the record?

17 DEPUTY CITY CLERK: Yeah. Motion --

18 MAYOR STACK: We're not recording this now,
19 are we?

20 MR. DILLON: You have to go off.

21 MAYOR STACK: Okay.

22 MS. NOVA: Oh.

23 DEPUTY CITY CLERK: Yeah. Motion made --

24 MS. NOVA: Yeah. Yeah.

25 Motion?

1 DEPUTY CITY CLERK: Motion by Commissioner
2 Fernandez.

3 COMMISSIONER RIVAS: Second.

4 DEPUTY CITY CLERK: Second by Commissioner
5 Rivas.

6 We're off.

7 All in favor.

8 MR. DILLON: Okay.

9 DEPUTY CITY CLERK: Thank you.

10

11 (Off the record; 7:26:05 p.m.)

12 (On the record; 7:37:30 p.m.)

13

14 MR. DILLON: All right, we're on.

15 DEPUTY CITY CLERK: Okay.

16 May I have a motion to go back on the
17 record?

18 COMMISSIONER RIVAS: Motion.

19 COMMISSIONER FERNANDEZ: Motion.

20 DEPUTY CITY CLERK: Motion by Commissioner
21 Rivas.

22 COMMISSIONER FERNANDEZ: Second.

23 COMMISSIONER MARTINETTI: Second.

24 DEPUTY CITY CLERK: Second by Commissioner
25 Fernandez.

1 Okay, all in favor, aye.

2

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

4

5 DEPUTY CITY CLERK: Okay.

6 MAYOR STACK: Thank you.

7

8 **ADJOURNMENT:**

9

10 DEPUTY CITY CLERK: At this point we have a
11 motion to adjourn?

12 COMMISSIONER MARTINETTI: Motion.

13 COMMISSIONER VALDIVIA: Motion.

14 DEPUTY CITY CLERK: Motion by Commissioner
15 made by Commissioner Martinetti.

16 Second by Commissioner Valdivia.

17 DEPUTY CITY CLERK: All those in --

18 Everybody?

19

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

21

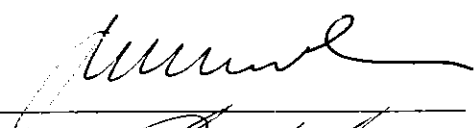
22 DEPUTY CITY CLERK: Okay. We're good.

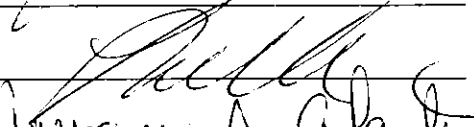
23 Thank you. Thank you.

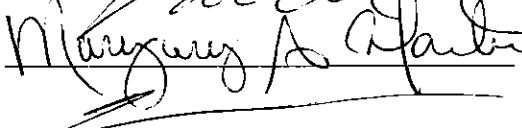
24 (Whereupon, the proceedings were concluded

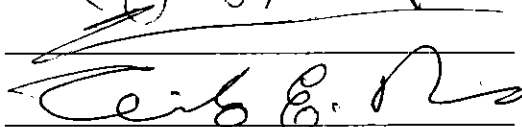
25 at 7:37 p.m.)

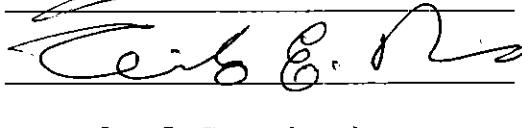
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Brian P. Stack


Lucio P. Fernandez


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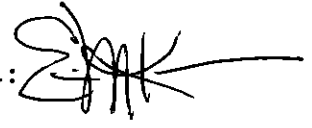
Board of Commissioners

Attest:

Dominick Cantatore,

Acting City Clerk

Attest:


Erin Knoedler,

Deputy City Clerk

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, February 21, 2017 and digitally
10 recorded.

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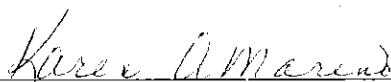
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25 Proofread by: Deborah Dillon