

ORIGINAL

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

REGULAR MEETING

TRANSCRIPT OF RECORDED

PROCEEDINGS

Colin Powell Elementary School
1500 New York Avenue
Union City, New Jersey

Wednesday, June 7, 2017
Commencing at 7:03 p.m.

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

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

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

CELIN J. VALDIVIA, COMMISSIONER

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

ERIN KNOEDLER, DEPUTY CITY CLERK

SCARINCI HOLLENBECK
BY: ANGELO AUTERI, ESQ.
Corporation Counsel

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

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Attorney for El Chapin Corp. t/a
El Cuscatleco

MESSRS. FARO & PORTANOVA
BY: THOMAS A. PORTANOVA, ESQ.
Attorney for Juanita's II LLC t/a
Juanita's Restaurant

I N D E X

	<u>PAGE</u>
CALL TO ORDER	4
SALUTE TO FLAG	4
ROLL CALL	4
APPROVAL OF MINUTES	5
ORDINANCES FOR INTRODUCTION	6
CONSENT AGENDA	8, 29
REGULAR AGENDA	14
ORDINANCES FOR HEARING AND ADOPTION	16, 18, 20, 22, 23
OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD	25
LIQUOR LICENSE DISCIPLINARY PROCEEDINGS	28
How About Life, LLC	29
Rafael A. Fernandez t/a Club Monty	31
El Chapin, Corp. t/a El Cuscatleco	34
Juanita's II LLC t/a Juanita's Restaurant	39
ADJOURNMENT	42

1 MS. DILLON: On the record.

2 DEPUTY CITY CLERK: All right.

3 This is a Regular Public Meeting of the
4 Union City Board of Commissioners being held on
5 Wednesday, June 7th, 2017, at seven p.m. at Colin
6 Powell Elementary School, 1500 New York Avenue,
7 Union City, New Jersey.

8 Please stand for the Pledge of Allegiance.

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

12
13 DEPUTY CITY CLERK: This meeting has been
14 called in accordance with the Open Public
15 Meetings Act.

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

22

23 **ROLL CALL:**

24

25 DEPUTY CITY CLERK: Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Here.

2 DEPUTY CITY CLERK: Commissioner Rivas?

3 COMMISSIONER RIVAS: Here.

4 DEPUTY CITY CLERK: Commissioner

5 Martinetti?

6 COMMISSIONER MARTINETTI: Here.

7 DEPUTY CITY CLERK: Mayor Stack?

8 MAYOR STACK: Here.

9 DEPUTY CITY CLERK: Commissioner Valdivia's
10 absent.

11

12 (Whereupon, the Board discussed and took
13 action on the following item:

14 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**
15 **MAY 2, 2017.)**

16

17 DEPUTY CITY CLERK: The first item on the
18 meeting is the Meeting Minutes from May 2nd, 2017.

19 May I have a motion for the -- to approve
20 the minutes?

21 COMMISSIONER RIVAS: Motion.

22 MAYOR STACK: Second.

23 COMMISSIONER MARTINETTI: Second.

24 DEPUTY CITY CLERK: Motion by Commissioner
25 Rivas.

1 Second by Mayor Stack.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 DEPUTY CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 DEPUTY CITY CLERK: Commissioner

7 Martinetti?

8 COMMISSIONER MARTINETTI: Yes.

9 DEPUTY CITY CLERK: Mayor Stack?

10 MAYOR STACK: Yes.

11

12 (Whereupon, the Board discussed and took
13 action on the following item:

14 **ORDINANCE FOR INTRODUCTION:**

15 1. AN ORDINANCE OF THE CITY OF UNION CITY,
16 COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE
17 SUM OF \$50,000 IN FUNDING FROM THE CAPITAL
18 IMPROVEMENT FUND FOR VARIOUS IMPROVEMENTS TO CITY
19 PARKS.)

20

21 DEPUTY CITY CLERK: We have one Ordinance
22 on for Introduction.

23 If approved at -- on introduction the
24 Ordinance will be advertised and considered for
25 final passage at the meeting held on Tuesday,

1 June 20th at seven p.m., at Bella Vista
2 Apartments, 522 22nd Street, Union City, New
3 Jersey.

4 An Ordinance of the City of Union City,
5 County of Hudson, New Jersey, Appropriating the
6 Sum of \$50,000.00 in Funding for a Capital
7 Improvement Fund for Various Improvements to City
8 Parks.

9 May I have a motion to introduce?

10 COMMISSIONER RIVAS: Motion.

11 DEPUTY CITY CLERK: Motion by Commissioner
12 Rivas.

13 MAYOR STACK: Second.

14 DEPUTY CITY CLERK: Second by Mayor Stack.
15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 DEPUTY CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 DEPUTY CITY CLERK: Commissioner
20 Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 DEPUTY CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24

25 (Whereupon, the following item was removed

1 from the Consent Agenda:

2 **CONSENT AGENDA:**

3 (9) Resolution Authorizing the Retirement of
4 the Liquor License for How About Life, LLC
5 (#0910-33-115-008).)

6

7 (Whereupon, the Board discussed and took
8 action on the following items in total:

9 **CONSENT AGENDA:**

10 (1) Resolution Approving the Payment of Claims

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

13 (3) Resolution Approving the Payment of
14 Concurring Claims in Escrow

15 (4) Resolution Approving the City Payroll for
16 the Period of May 27, 2017 through June 9, 2017

17 (5) Resolution Approving the Library Payroll
18 for the Period of May 27, 2017 through June 9,
19 2017

20 (6) Resolution Requesting Approval from the
21 Division of Local Government Services for a
22 Chapter 159 Item of Revenue and Appropriation
23 from the New Jersey Department of Transportation
24 SFY2017 Municipal Aid Program for Kerrigan Avenue

25 (7) Resolution Authorizing the Deputy Clerk to

1 Advertise for Bids for Four (4) 2018 Police
2 Motorcycles
3 (8) Resolution Designating June as "Immigrant
4 Heritage Month"
5 (10) Resolution Awarding a Contract to Central
6 Poly Corporation for Poly Garbage Bags
7 (11) Resolution Authorizing the Sale of Vehicles
8 (12) Resolution Authorizing the Deputy Clerk to
9 Solicit Bids for the Reconstruction, Resurfacing
10 and Various Improvements to Veterans Park (17th
11 Street)
12 (13) Resolution Authorizing the Refund of
13 Premium Monies Collected at the Tax Sale
14 (14) Resolution Authorizing Refund of Redemption
15 Monies to Outside Lienholders
16 (15) Resolution of Tax Agreement Block 209, Lot
17 20; also known as 411 36th Street
18 (16) Resolution Approving an Amendment for
19 Accounting Services with Business Accounting
20 Service, LLC
21 (17) Resolution Approving a Special Emergency
22 Appropriation for Contractual Retirement
23 Liabilities
24 (18) Resolution Denouncing the Decision to Exit
25 the Paris Climate Agreement and Affirming

1 Commitment to Green Initiatives

2

3 DEPUTY CITY CLERK: We have 18 items on the
4 Consent Agenda.

5 The first is a Resolution Approving the
6 Payment of Claims.

7 The second is a Resolution Approving the
8 Payment of Concurring Claims.

9 The third is a Resolution Approving the
10 Payment of Concurring Claims in Escrow.

11 The fourth is a Resolution Approving the
12 City Payroll for the Period of May 27th, 2017
13 through June 9th, 2017.

14 The fifth is a Resolution Approving the
15 Library Payroll for the Period of May 27th, 2017
16 through June 9th, 2017.

17 The sixth is a Resolution Approving --
18 Requesting Approval from the Division of Local
19 Government Services for a Chapter 159 Item of
20 Revenue and Appropriation from the New Jersey
21 Department of Transportation State Fiscal Year
22 2017 Municipal Aid Program for Kerrigan Avenue.

23 The seventh is a Resolution Authorizing the
24 Deputy Clerk to Advertise for Bids for Four 2018
25 Police Motorcycles.

1 The eighth is a Resolution Designating June
2 as Immigration -- Immigrant Heritage Month.

3 The ninth is a Resolution Authorizing the
4 Retirement --

5 I'm sorry.

6 The ninth item will be removed from the
7 Consent Agenda. That will be moved to the Liquor
8 License Disciplinary Hearings as Mr. Farmer would
9 like to make comment on that.

10 The tenth is a Resolution Awarding a
11 Contract for Central Poly Corporation for Poly
12 Garbage Bags.

13 The eleventh is a Resolution Authorizing
14 the Sale of Vehicles.

15 The twelfth is a Resolution Authorizing the
16 Deputy Clerk to Solicit Bids for the
17 Reconstruction, Resurfacing and Various
18 Improvements to Veterans Park, 17th Street.

19 The thirteenth is a Resolution Authorizing
20 the Refund of Premium Monies Collected at Tax
21 Sale.

22 The fourteenth is a Resolution Authorizing
23 the Refund of Redemption Monies to Outside
24 Lienholders.

25 The fifteenth is a Resolution of Tax

1 Agreement Block 209, Lot 20; also known as 411
2 36th Street.

3 The sixteenth is a Resolution Approving an
4 Amendment for Accounting Services with Business
5 Accounting Service, LLC.

6 The seventeenth is a Resolution Approving
7 the Special Emergency Appropriation for
8 Contractual Retirement Liabilities.

9 The eighteenth is a Resolution Denouncing
10 the Decision to Exit the Paris Climate Agreement
11 and Affirming Commitment to Green Initiatives.

12 Mayor, at this time, would you like to --

13 I'm sorry.

14 May I have a motion to --

15 I'm sorry.

16 MAYOR STACK: To take public comment.

17 DEPUTY CITY CLERK: -- to -- to make
18 comment --

19 I -- I apologize.

20 -- to make public --

21 MAYOR STACK: Anyone --

22 DEPUTY CITY CLERK: -- comment?

23 MAYOR STACK: Sure.

24 Anyone wishing to comment on the Consent
25 Agenda, please step forward, state your name and

1 address for the record.

2 Seeing none.

3 DEPUTY CITY CLERK: May I have a motion to
4 close public comment?

5 MAYOR STACK: Motion.

6 COMMISSIONER FERNANDEZ: Motion.

7 DEPUTY CITY CLERK: Motion by Mayor Stack.

8 Second by Commissioner Rivas.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 DEPUTY CITY CLERK: Commissioner Rivas?

12 COMMISSIONER RIVAS: Yes.

13 DEPUTY CITY CLERK: Commissioner

14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 DEPUTY CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18 DEPUTY CITY CLERK: May I have a motion to
19 approve all items on the Consent Agenda?

20 COMMISSIONER FERNANDEZ: Motion.

21 DEPUTY CITY CLERK: Motion by Commissioner
22 Fernandez.

23 COMMISSIONER RIVAS: Second.

24 DEPUTY CITY CLERK: Second by Commissioner
25 Rivas.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 DEPUTY CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: Yes.

5 DEPUTY CITY CLERK: Commissioner

6 Martinetti?

7 COMMISSIONER MARTINETTI: Yes.

8 DEPUTY CITY CLERK: Abstain on Adolfo

9 Lopez --

10 COMMISSIONER MARTINETTI: Okay.

11 DEPUTY CITY CLERK: -- and Luis Diaz; North

12 Hudson Regional Fire.

13 COMMISSIONER MARTINETTI: All right.

14 So I'm abstaining in any payments to Adolfo

15 Lopez and Diaz -- Luis Diaz. And anything else

16 from the Hudson Fire Regional.

17 DEPUTY CITY CLERK: Yes.

18 Mayor --

19 COMMISSIONER MARTINETTI: Aye on the rest.

20 DEPUTY CITY CLERK: -- Stack?

21 MAYOR STACK: Yes.

22

23 (Whereupon, the Board discussed and took

24 action on the following item:

25 **REGULAR AGENDA:**

1 Resolution Approving a Payment of Claim to
2 the Hudson County Improvement Authority.)

3

4 DEPUTY CITY CLERK: We have one item on the
5 Regular Agenda.

6 The first item is a Resolution Approving a
7 Payment of Claim to North Hudson --

8 I'm sorry.

9 -- to Hudson County Improvement Authority.

10 May I have a motion to approve the item?

11 MAYOR STACK: Motion.

12 DEPUTY CITY CLERK: Motion by Mayor Stack.

13 Second?

14 COMMISSIONER FERNANDEZ: Second.

15 DEPUTY CITY CLERK: Second by Commissioner
16 Fernandez.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 DEPUTY CITY CLERK: Commissioner Rivas?

20 COMMISSIONER RIVAS: I recuse myself.

21 DEPUTY CITY CLERK: Recusal by Commissioner
22 Rivas.

23 Commissioner Martinetti?

24 COMMISSIONER MARTINETTI: Recuse?

25 DEPUTY CITY CLERK: No.

1 COMMISSIONER MARTINETTI: Oh. Yes.

2 DEPUTY CITY CLERK: And Mayor Stack?

3 MAYOR STACK: Yes.

4

5 (Whereupon, the Board discussed and took
6 action on the following item:

7 **ORDINANCES FOR HEARING AND ADOPTION**

8 **CONSIDERATION:**

9 1. AN ORDINANCE AMENDING CHAPTER 366 OF THE
10 CODE OF THE CITY OF UNION CITY ENTITLED "STREETS
11 AND SIDEWALKS" AND ARTICLE ENTITLED "SNOW AND ICE
12 REMOVAL".)

13

14 DEPUTY CITY CLERK: We have five Ordinances
15 on for Adoption this evening.

16 The first is an Ordinance Amending Chapter
17 366 of the Code of Union City Entitled Streets
18 and Sidewalks and Article Entitled Snow and Ice
19 Removal.

20 Mayor, -- Mayor, at this time would you
21 like to take public comment?

22 MAYOR STACK: If you could just maybe just
23 explain what this does, Erin?

24 DEPUTY CITY CLERK: Sure.

25 The next five Ordinances are just cleaning

1 up the Administrative Code to make sure that all
2 fines are consistent in the Code.

3 Sometimes when we approve one Ordinance we
4 have to make sure that they are changed in all
5 portions of the Code so they all match and
6 they're consistent.

7 This one, specifically, is making sure that
8 the fine reflects \$250.00 for a violation in all
9 sections of the Code.

10 May --

11 Would you like to make public comment?

12 MAYOR STACK: Sure.

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

16 Seeing none.

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

19 COMMISSIONER MARTINETTI: Motion.

20 DEPUTY CITY CLERK: Motion by Commissioner
21 Martinetti.

22 Second?

23 COMMISSIONER RIVAS: Second.

24 DEPUTY CITY CLERK: Second by Commissioner
25 Rivas.

1 May I have a motion to adopt?

2 COMMISSIONER RIVAS: Motion.

3 MAYOR STACK: Second.

4 DEPUTY CITY CLERK: Motion by Commissioner
5 Rivas.

6 Second by Mayor Stack.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes.

9 DEPUTY CITY CLERK: Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 DEPUTY CITY CLERK: Commissioner
12 Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 DEPUTY CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16

17 (Whereupon, the Board discussed and took
18 action on the following item:

19 **ORDINANCES FOR HEARING AND ADOPTION**

20 **CONSIDERATION:**

21 2. AN ORDINANCE AMENDING CHAPTER 87 OF THE
22 CODE OF THE CITY OF UNION CITY ENTITLED "BRUSH,
23 GRASS, WEEDS AND TREES" AND ARTICLE II ENTITLED
24 "WEED CONTROL CODE".)

25

1 DEPUTY CITY CLERK: The second is an
2 Ordinance Amending Chapter 87 of the Code of --
3 of Union City Entitled Brush, Grass, Weeds, Trees
4 and Article II Entitled Weed Control Code.

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 DEPUTY CITY CLERK: May I have a motion to
10 close -- close public comment?

11 COMMISSIONER RIVAS: Motion.

12 DEPUTY CITY CLERK: Motion by Commissioner
13 Rivas.

14 COMMISSIONER FERNANDEZ: Second.

15 DEPUTY CITY CLERK: Second by Commissioner
16 Fernandez.

17 May I have a motion to adopt?

18 COMMISSIONER RIVAS: Motion.

19 MAYOR STACK: Second.

20 DEPUTY CITY CLERK: Motion by Commissioner
21 Rivas.

22 Second by Mayor Stack.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 DEPUTY CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Yes.

2 DEPUTY CITY CLERK: Commissioner
3 Martinetti?

4 COMMISSIONER MARTINETTI: Yes.

5 DEPUTY CITY CLERK: Mayor Stack?

6 MAYOR STACK: Yes.

7

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

10 **ORDINANCES FOR HEARING AND ADOPTION**

11 **CONSIDERATION:**

12 3. AN ORDINANCE AMENDING CHAPTER 87 OF THE
13 CODE OF THE CITY OF UNION CITY ENTITLED "BRUSH,
14 GRASS, WEEDS AND TREES" AND ARTICLE I ENTITLED
15 "REMOVAL OF OBNOXIOUS GROWTH AND TRASH".)

16

17 DEPUTY CITY CLERK: The third is an
18 Ordinance Amending Chapter 87 of the Code of City
19 of Union City Entitled Brush, Grass, Weeds, Trees
20 and Article I Entitled Removal of Obnoxious
21 Growth and Trash.

22 At this time would you like to take public
23 comment?

24 MAYOR STACK: Anyone wishing to comment on
25 this Ordinance at this time, please step forward,

1 state your name and address for the record.

2 Seeing none.

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

5 COMMISSIONER RIVAS: Motion.

6 COMMISSIONER MARTINETTI: Motion.

7 DEPUTY CITY CLERK: Motion by Commissioner
8 Rivas.

9 Second by Commissioner Martinetti.

10 May I have a motion to adopt?

11 COMMISSIONER FERNANDEZ: Motion.

12 COMMISSIONER MARTINETTI: Second.

13 DEPUTY CITY CLERK: Motion by Commissioner
14 Fernandez.

15 Second by Commissioner Martinetti.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 DEPUTY CITY CLERK: Commissioner Rivas?

19 COMMISSIONER RIVAS: Yes.

20 DEPUTY CITY CLERK: Commissioner
21 Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 DEPUTY CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25

1 (Whereupon, the Board discussed and took
2 action on the following item:

3 **ORDINANCES FOR HEARING AND ADOPTION**

4 **CONSIDERATION:**

5 4. AN ORDINANCE AMENDING CHAPTER 359 OF THE
6 CODE OF UNION CITY ENTITLED "SOLID WASTE" AND
7 ARTICLE II ENTITLED "RECYCLING".)

8

9 DEPUTY CITY CLERK: The fourth is an
10 Ordinance Amending Chapter 359 of the Code of
11 Union City Entitled Solid Waste and Article II
12 Entitled Recycling.

13 Would you like to take public comment?

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

17 Seeing no one.

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

20 COMMISSIONER MARTINETTI: Motion.

21 DEPUTY CITY CLERK: Motion by Commissioner
22 Martinetti.

23 COMMISSIONER FERNANDEZ: Second.

24 DEPUTY CITY CLERK: Second by Commissioner
25 Fernandez.

1 May I have a motion to adopt?

2 COMMISSIONER FERNANDEZ: Motion.

3 COMMISSIONER MARTINETTI: Motion.

4 DEPUTY CITY CLERK: Motion by Commissioner
5 Fernandez.

6 Second by --

7 COMMISSIONER MARTINETTI: Second.

8 DEPUTY CITY CLERK: -- Commissioner
9 Martinetti.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 DEPUTY CITY CLERK: Commissioner Rivas?

13 COMMISSIONER RIVAS: Yes.

14 DEPUTY CITY CLERK: Commissioner
15 Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 DEPUTY CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19

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

22 **ORDINANCES FOR HEARING AND ADOPTION**

23 **CONSIDERATION:**

24 5. AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE
25 OF THE CITY OF UNION CITY ENTITLED "GENERAL

1 PROVISIONS" AND ARTICLE IV ENTITLED "GENERAL
2 PENALTY".

3

4 DEPUTY CITY CLERK: The fifth is an
5 Ordinance Amending Chapter 1 of the Code of the
6 City of Union City Entitled General Provisions
7 and Article V -- IV --

8 Sorry.

9 -- Entitled General Penalty.

10 May I have a motion of public comment?

11 COMMISSIONER MARTINETTI: Motion.

12 DEPUTY CITY CLERK: Or, I'm sorry, can we
13 take --

14 MAYOR STACK: Anyone --

15 DEPUTY CITY CLERK: -- public comment?

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

19 DEPUTY CITY CLERK: May I have a motion?

20 MAYOR STACK: Seeing no one.

21 DEPUTY CITY CLERK: Motion to close public
22 comment.

23 COMMISSIONER FERNANDEZ: Motion.

24 DEPUTY CITY CLERK: Motion by Commissioner
25 Fernandez.

1 COMMISSIONER MARTINETTI: Second.

2 DEPUTY CITY CLERK: Second by Commissioner
3 Martinetti.

4 May I have a motion to adopt?

5 COMMISSIONER RIVAS: Motion.

6 DEPUTY CITY CLERK: Motion by Commissioner
7 Rivas.

8 COMMISSIONER MARTINETTI: Second.

9 DEPUTY CITY CLERK: Second by Commissioner
10 Martinetti.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 DEPUTY CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 DEPUTY CITY CLERK: Commissioner
16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 DEPUTY CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

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

22

23 DEPUTY CITY CLERK: Mayor, at this time,
24 would you like to open for public comment on any
25 item concerning government in Union City?

1 MAYOR STACK: Sure.

2 Any anyone wishing to comment on any matter
3 concerning municipal government in the City of
4 Union City, please step forward, state your name
5 and address.

6 Seeing no one.

7 DEPUTY CITY CLERK: May I have a motion to
8 close public comment?

9 MAYOR STACK: Motion.

10 COMMISSIONER RIVAS: Motion.

11 DEPUTY CITY CLERK: Motion by Mayor Stack.

12 Second by Commissioner Rivas.

13 Mayor, at this time we have three liquor
14 license disciplinary hearings and also the How
15 About --

16 COMMISSIONER FERNANDEZ: We going to vote?

17 DEPUTY CITY CLERK: I apologize.

18 May I have a vote to close the public
19 comment?

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 DEPUTY CITY CLERK: Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 DEPUTY CITY CLERK: Commissioner
25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 DEPUTY CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4

5

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1 LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

2

3 1. Rafael A. Fernandez

4 t/a Club Monty

5 Location: 514 Bergenline Avenue

6 License No. #0910-33-093-005

7 2. El Chapin Corp.

8 t/a El Cuscatleco

9 Location: 2118 Bergenline Avenue

10 License No. #0910-33-075-010

11 3. Juanita's II LLC

12 t/a Juanita's Restaurant

13 Location: 2904 Bergenline Avenue

14 License No. #0910-33-155-010

15

16 DEPUTY CITY CLERK: Okay.

17 At this time we have three Liquor License

18 Disciplinary Hearings, as well as the information

19 about How About Life Resolution.

20 MAYOR STACK: How are you, Greg?

21 MR. FARMER: Good evening.

22 COMMISSIONER RIVAS: Good evening.

23

24

* * *

25

1 (Whereupon, the following item was
2 discussed:

3 **CONSENT AGENDA:**

4 (9) Resolution Authorizing the Retirement of
5 the Liquor License for How About Life, LLC
6 (#0910-33-115-008).)

7
8 MR. FARMER: With respect to the matters
9 that are on your agenda, I just wanted to
10 address, as the Clerk pointed out, How About
11 Life.

12 How About Life is a liquor license that has
13 been longstanding and has been before you a
14 number of times.

15 Basically this is a situation where they
16 didn't renew their license, had to go down
17 Trenton and found out that Trenton would renew it
18 for them and they came back here.

19 And it was all under the presumption that
20 we were going to retire this license; as a matter
21 of fact they've even filed papers and submitted
22 it.

23 Now when it was on two weeks ago I got a
24 call from the licensee saying, well, I have a
25 personal matter, could we continue it; and I said

1 | sure.

2 | Now what I find out is that they've been
3 | marketing the license. And I got a call from a
4 | lawyer today asking me a question as to whether
5 | or not as a contract purchaser they could renew
6 | the license for the licensee. And I said no; the
7 | only person who can renew the licensee is the
8 | licensee.

9 | So I don't know what that's going to do,
10 | whether or not -- because they've always never
11 | had any money.

12 | So, what I -- what I'm going to do is I'm
13 | going to put it on for the next -- next meeting.
14 | I'm going to send a certified letter to them.
15 | Get them here and let's see what they have to
16 | say.

17 | MAYOR STACK: That's fine.

18 | MR. FARMER: Okay?

19 | The -- so How About Life will go off until
20 | the next meeting.

21 |

22 |

* * *

23 |

24 |

25 |

1 RAFAEL A. FERNANDEZ

2 t/a CLUB MONTY

3 Location: 514 Bergenline Avenue

4 License No. 0910-33-093-005

5

6 MR. FARMER: The -- the next one on your
7 agenda is Club Monty.

8 Now Club Monty is a situation where I'm
9 going to say maybe about two or three months ago
10 the license was forfeited by the State Treasury
11 Department for unpaid taxes. They were shut down
12 and there hasn't been any kind of service or
13 customers or anything there because they're shut
14 down, they don't have a license.

15 Prior to that he had a disturbance at the
16 licensed premises and we had a meeting and we
17 kind of came to some kind of resolution for the
18 disturbance.

19 However, just the other day, --

20 And I can pass this up to the Board. It's
21 a pretty simple letter. It's from the Division
22 of Taxation indicating that there's now going to
23 be another auction day, which is June 9th from
24 nine a.m. to June 12th to nine p.m. And the
25 minimum bid is \$75,000.00.

1 So what I suggest that we do, rather than
2 putting through a plea for a suspension on a
3 license that isn't open, that we wait and see
4 what happens, whether or not it's going to be
5 auctioned off to some third party individual, and
6 we'll deal with that when that happens; or
7 whether or not he, Fernandez, somehow recaptures
8 the license by making an adjustment with the tax
9 people.

10 Once we have the license and we know that
11 it's viable, then we can deal with the ten days.

12 Okay?

13 So I would ask that this just be carried
14 and I'll check with the Department of Taxation
15 after June 12th and see what happened.

16 MAYOR STACK: That will be fine.

17 MR. FARMER: And I'll report back to you.

18 The next one --

19 MAYOR STACK: Do we need to make a motion
20 on that?

21 DEPUTY CITY CLERK: We don't --

22 MR. FARMER: -- on -- on the agenda --

23 DEPUTY CITY CLERK: -- there's no action,
24 so we don't have to do anything.

25 MAYOR STACK: Okay.

1 So we'll carry that, I guess, until the end
2 of June.

3 Okay.

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1 EL CHAPIN CORP.

2 t/a EL CUSCATLECO

3 Location: 2118 Bergenline Avenue

4 License No. 0910-33-075-010

5

6 MR. FARMER: The next on the agenda is El
7 Chapin, which is represented by Luis Alum. And
8 Mr. Alum can put his notice on.

9 MR. ALUM: Yes, good evening.

10 Luis Alum on behalf of El Chapin Corp.

11 MR. FARMER: Let me tell you what this is
12 about.

13 This is a situation where the Police
14 responded. There was a disturbance; not much but
15 they get there. And they come across the barmaid
16 -- one of the barmaids and she may be
17 intoxicated. They -- they come to the conclusion
18 that they are -- she is.

19 However, they ask for the records. And
20 they get these records back and what they get
21 back and what they find is a ledger. And the
22 ledger has the names of people who are working
23 there and giving them credit for commissions on
24 the sale of beers.

25 Okay?

1 Now there was about seven people there,
2 none of whom are on -- on the E-141 and many of
3 them are in the wind.

4 We've had a long discussion that involved
5 myself and Detective Dunlay and with the input of
6 Chief Molinari. And what we've come to -- to the
7 conclusion with, there will be a plea of guilty
8 for not having these people on the E-141.

9 And the suspension will be 50 days. And it
10 will start July 1st.

11 MR. ALUM: August 1st.

12 MR. FARMER: I'm sorry; August 1st. August
13 1st.

14 And I know that's a little out of the orbit
15 that we generally try and get these things in 30
16 days but I think given the severity of what took
17 place and the length of the suspension that it
18 would be appropriate and I'd recommend it to you.

19 MAYOR STACK: And this place -- it will be
20 totally shut down or they just won't serve
21 liquor? Or -- how will this work?

22 MR. FARMER: Do you have -- is it a
23 restaurant?

24 If it's a restaurant they can stay open.

25 But if they're not a restaurant it's closed

1 up.

2 MR. ALUM: Yes, it is a -- a restaurant.

3 MAYOR STACK: And they'll --

4 MR. ALUM: It's not really a bar per se.

5 MAYOR STACK: They'll --

6 MR. ALUM: It's a --

7 MAYOR STACK: -- they'll be staying open
8 but they won't be serving liquor?

9 MR. ALUM: Correct.

10 MAYOR STACK: Okay.

11 MR. FARMER: Okay?

12 And that will go from August 1st for 50
13 days going -- I guess that's some time in the
14 middle of September.

15 MR. ALUM: September. Right.

16 MR. FARMER: And along with that the
17 general stipulation, no appeal, no making
18 application --

19 MR. ALUM: Absolutely.

20 MAYOR STACK: Right.

21 MR. FARMER: -- to the State for -- to
22 convert it into a fine.

23 MAYOR STACK: You got it.

24 MR. ALUM: Yeah.

25 DEPUTY CITY CLERK: May I have a motion to

1 approve with Mr. Farmer's recommendation?

2 MAYOR STACK: Yes. Motion to approve.

3 DEPUTY CITY CLERK: Motion by Mayor Stack.

4 COMMISSIONER RIVAS: I'll second.

5 DEPUTY CITY CLERK: Second by

6 Commissioner --

7 MAYOR STACK: Mr. Alum, did you put your
8 name on the record?

9 Did I miss it?

10 COMMISSIONER MARTINETTI: Yes.

11 DEPUTY CITY CLERK: Yes.

12 MAYOR STACK: Did you put your --

13 MR. ALUM: Yes I did.

14 MAYOR STACK: You did? Okay.

15 MR. ALUM: I --

16 MAYOR STACK: Okay, Very good.

17 MR. ALUM: -- I placed my name on the
18 record.

19 DEPUTY CITY CLERK: Commissioner Rivas.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 DEPUTY CITY CLERK: Commissioner Rivas?

23 COMMISSIONER RIVAS: Yes.

24 DEPUTY CITY CLERK: Commissioner

25 Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 DEPUTY CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4 Thank you very much.

5 MR. FARMER: Okay.

6 MR. ALUM: Thank you.

7 Good night.

8 MR. FARMER: Good night.

9 MR. ALUM: All right, Greg.

10 MR. FARMER: Yeah.

11 Tom?

12 (Whereupon, there was a pause in the
13 proceedings.)

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1 JUANITA'S II LLC

2 t/a JUANITA'S RESTAURANT

3 Location: 2904 Bergenline Avenue

4 License No. 0910-33-155-010

5

6 MAYOR STACK: Good evening.

7 MR. PORTANOVA: Good evening.

8 Tom Portanova, appearing on behalf of
9 Juanita II Restaurant and Bar.

10 MR. FARMER: This, again, we've had
11 settlement discussions, along with Detective
12 Dunlay and Mr. Portanova.

13 And this is a fight. Not an egregious
14 fight but nevertheless it was a fight and it
15 happened and the people were intoxicated.

16 And so what we did was we came to a
17 resolution that it would be ten days. But the
18 ten days has a twist to it. And the twist is
19 that those ten days will cover two weekends.

20 So it will go from what I think is July 1st
21 to July 16th.

22 MR. PORTANOVA: No, July 7th.

23 MR. FARMER: I'm sorry. July 7th to July
24 16th.

25 My apology.

1 MAYOR STACK: It's July?

2 MR. FARMER: Seventh. That's a -- that's a
3 -- a weekend. It will be 12:01 July 7th all the
4 way until the 16th at --

5 MR. PORTANOVA: Yeah.

6 MR. FARMER: -- 12:01 p.m.

7 MR. PORTANOVA: Yeah.

8 MR. FARMER: Okay?

9 MAYOR STACK: Okay.

10 And this is -- this is on Juanita's
11 Restaurant at 2904 Bergenline?

12 MR. FARMER: That is correct, 2904
13 Bergenline.

14 MAYOR STACK: Okay.

15 Does your client -- does your client own
16 any other liquor establishment in the City?

17 MR. CLAROS: Yes.

18 MAYOR STACK: You do, right?

19 MR. CLAROS: Yeah. JRV Restaurant, El
20 Papaturro, 1018 Summit Avenue.

21 MAYOR STACK: Okay.

22 MS. DILLON: I'm -- I'm sorry.

23 MR. PORTANOVA: This --

24 MS. DILLON: You have to step forward and
25 put your name --

1 MR. PORTANOVA: This gentleman --

2 MS. DILLON: -- on the record.

3 MR. PORTANOVA: -- is Juan Claros who is
4 the manager of Juanita II. And it -- that --
5 which is owned by his -- his mother and his
6 sister.

7 MAYOR STACK: I see. Okay.

8 MR. PORTANOVA: But he has a -- another
9 establishment that he --

10 MAYOR STACK: I just thought so because
11 I --

12 MR. PORTANOVA: Yeah.

13 MAYOR STACK: -- recognized --
14 Right.

15 MR. PORTANOVA: Yeah.

16 MAYOR STACK: I wasn't -- I got a little
17 confused on this.

18 MS. DILLON: Sir, step forward and spell
19 your name for me.

20 MR. CLAROS: It's J-U-A-N. My last name is
21 C-L-A-R-O-S.

22 MS. DILLON: Thank you.

23 MAYOR STACK: So, Juan, you're the manager
24 here?

25 MR. CLAROS: Yeah.

1 MAYOR STACK: Okay.

2 MR. FARMER: So I would make a
3 recommendation that you approve the ten day
4 suspension from --

5 MAYOR STACK: Sure.

6 I'll make a motion to approve.

7 DEPUTY CITY CLERK: Motion by Mayor Stack.

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

16 Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 DEPUTY CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

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23 **ADJOURNMENT:**

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25 DEPUTY CITY CLERK: Mayor, at this time we

1 have no other items on the agenda.

2 May I have a motion to adjourn?

3 MAYOR STACK: Motion.

4 DEPUTY CITY CLERK: Motion by Mayor Stack.

5 COMMISSIONER RIVAS: Second.

6 DEPUTY CITY CLERK: Second by Commissioner
7 Rivas.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 DEPUTY CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 MR. FARMER: Good evening.

13 DEPUTY CITY CLERK: Commissioner
14 Martinetti?

15 MR. PORTANOVA: Thank you.

16 DEPUTY CITY CLERK: Mayor Stack?

17 MAYOR STACK: Thank you very much.

18 Yes.

19 DEPUTY CITY CLERK: Thank you.

20

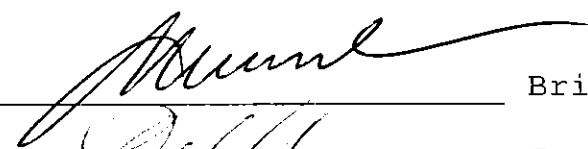
21 (Whereupon, the proceedings were concluded
22 at 7:21 p.m.)

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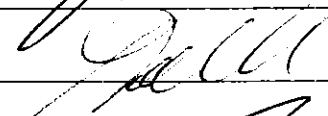
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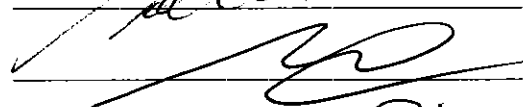
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Brian P. Stack



Lucio P. Fernandez



Maryury A. Martinetti



Tilo E. Rivas

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 Wednesday, June 7, 2017, and digitally
10 recorded.

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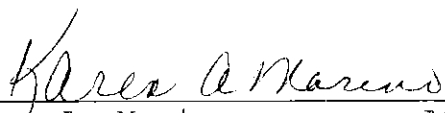
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Karen A. Marino AOC 493

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25 Monitored and Proofread by: Deborah Dillon