

1 MS. DILLON: -- to the microphone, --

2 MR. FARMER: Okay.

3 MS. DILLON: -- Mr. Farmer.

4 MR. FARMER: I understand what Lieutenant
5 Loaces said. We're -- the bottles have to be off
6 the tables and -- we're not dealing with
7 glassware here; we're just dealing with beer
8 bottles.

9 And beer bottles have to be off the tables
10 and they have to be off the -- the bar.

11 So we're not dealing with -- this Ordinance
12 does not deal with glassware; deals with bottles.

13 A CITIZEN: It does not.

14 MAYOR STACK: So if somebody has a glass of
15 wine they can keep the glass of wine.

16 MR. FARMER: That's correct.

17 MAYOR STACK: And that can go until 2
18 o'clock in the morning?

19 MR. FARMER: That's correct.

20 MAYOR STACK: All right, just clear that up
21 right now so they understand -- everyone
22 understands that.

23 Can somebody -- can we -- can we just say
24 that in Spanish?

25 MR. FARMER: Yeah. You want to clear --

1 we're not doing glassware.

2 LIEUTENANT LOACES: Okay.

3 MR. FARMER: This Ordinance is limited just
4 to bottled beer.

5 LIEUTENANT LOACES: Okay.

6 (Lieutenant Loaces interpreted to Spanish.)

7 (Whereupon, there were remarks from the
8 audience.)

9 MAYOR STACK: Are we -- are we a hundred
10 percent -- are we a hundred percent certain?

11 Because --

12 Just -- just if I could just have --

13 LIEUTENANT LOACES: Could I --

14 MS. DILLON: Wait. Wait. It's -- it's --

15 MAYOR STACK: Just if I could have
16 everybody's attention please?

17 MS. DILLON: -- too loud.

18 LIEUTENANT LOACES: Could we have a minute?

19 MAYOR STACK: Everyone, --

20 LIEUTENANT LOACES: Could we have a minute?

21 MAYOR STACK: Everyone, just if I could
22 have everybody's attention?

23 I just want to make sure that it's very
24 clear as to what's going on. I just want to make
25 sure there's clarity if we can or we can't.

1 So just give us one second on this.

2 LIEUTENANT LOACES: Can we have a minute?

3 MAYOR STACK: Can you just translate what I
4 just said though?

5 (Lieutenant Loaces interpreted to Spanish.)

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

8 COMMISSIONER FERNANDEZ: Can we go off the
9 record please two minutes.

10 CITY CLERK: Yes, let's go off the
11 record --

12 COMMISSIONER FERNANDEZ: Off the record.

13 CITY CLERK: -- if that's all right with
14 you, Mayor.

15 MAYOR STACK: All right, we'll go off.
16 Everyone, we're going to take five minutes to be
17 off the record.

18 CITY CLERK: Can -- can I --

19 MAYOR STACK: Motion.

20 CITY CLERK: Motion by Mayor --

21 COMMISSIONER FERNANDEZ: Second.

22 CITY CLERK: -- Stack to go off the record.

23 COMMISSIONER MARTINETTI: Second.

24 COMMISSIONER FERNANDEZ: Second.

25 CITY CLERK: Second by Commissioner

1 Fernandez.

2 All in favor?

3

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

5

6 CITY CLERK: Okay, we're going off the
7 record at 9:24.

8

9 (Off the record at 9:24 p.m.)

10

11 (Whereupon, Photograph Boards, 1 through
12 16, was received and marked as Exhibit 5.)

13

14 (On the record at 9:33 p.m.)

15

16 MS. DILLON: On the record.

17 CITY CLERK: All right, we're back on the
18 record; 9:33 p.m.

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

21 MAYOR STACK: Okay, back on the record.

22 Mr. Farmer?

23 MR. FARMER: Yes.

24 Just so we're clear, what the prohibition
25 is with respect to bottled beer -- bottles.

1 We're not dealing with glassware.

2 Quite frankly, if after we pass this
3 Ordinance, if we do pass it, and glassware
4 becomes a problem, we're going to be back.

5 Okay?

6 But the things we have seen have come from
7 beer bottles. That's what we see right there.

8 We have not seen anything with respect to
9 glassware.

10 Now somebody can say, well a glass I can
11 throw this, that or the other. Let's see if it's
12 a problem. But we know, for one, that the
13 bottles are a problem. And that's what we're
14 prohibiting right now. We're not dealing with
15 glassware.

16 (Sergeant Dunlay interpreted to Spanish.)

17 MAYOR STACK: And just to be clear, we're
18 doing this just as a matter of public safety. If
19 these incidents hadn't occurred and we haven't
20 seen a trend going on, we wouldn't be here
21 tonight.

22 Everything that we've tried to do in this
23 Administration -- the Commissioners, myself, the
24 Detectives, the Chief of Police, Chief Molinari,
25 we've tried to make the City safer and it's been

1 working.

2 We're just trying to take one more step to
3 make you safer, as the owner of the establishment
4 or an employee of an establishment, and the
5 people who come in and patronize your
6 establishment.

7 We don't want anybody to get hurt. We
8 don't want these incidents to happen.

9 If anything gives us a bad name, it's these
10 types of incidents. This will give us a bad
11 name.

12 The fact that the City's been getting
13 better, cleaner, brighter, safer, the parks are
14 nice, the schools are good schools; it's going to
15 help your business in the long run. Trust me
16 when I tell you that.

17 Can you just --

18 (Sergeant Dunlay interpreted to Spanish.)

19 MAYOR STACK: Next question?

20 Robert, you want to come forward? Just if
21 you could come up right over here.

22 Again, state your name and address for the
23 record.

24 MR. GUZMAN: Robert Guzman, 720 23rd
25 Street, Union City.

1 MS. DILLON: 720 --

2 CITY CLERK: 23rd Street.

3 MR. GUZMAN: 23rd Street, Union City.

4 MS. DILLON: Okay. Just keep your voice up

5 for me, Mr. Guzman.

6 MR. GUZMAN: Robert Guzman, --

7 MS. DILLON: No. No, no, I --

8 MAYOR STACK: No, no, just keep your

9 voice --

10 MS. DILLON: I heard you.

11 MAYOR STACK: -- just keep your voice up.

12 MS. DILLON: Just keep your voice up for

13 me --

14 ROBERT GUZMAN: Okay.

15 MS. DILLON: -- in general.

16 (Robert Guzman addressed the Commissioners

17 in Spanish.)

18 MR. FARMER: You -- you got to give him a

19 chance to interpret.

20 MR. GUZMAN: All right, go ahead.

21 MAYOR STACK: Just let him interpret you.

22 (Robert Guzman addressed the Commissioners

23 in Spanish.)

24 (Sergeant Dunlay interpreted to English.)

25 SERGEANT DUNLAY: He says that, for the

1 most part, people -- the customers that come into
2 the -- their establishments are people that
3 sometimes like to start trouble.

4 So sometimes they'll make stuff up like --
5 and they'll threaten the owners. Like if you --
6 if they don't get their ways, they'll be like,
7 well I'm just gonna call the police and say I was
8 assaulted in this location.

9 Why aren't those people charged as well?

10 MAYOR STACK: What people?

11 SERGEANT DUNLAY: The people that make the
12 false allegations.

13 I believe that's what Mr. Guzman --

14 MAYOR STACK: If somebody makes a false
15 allegation to the Police Department and we can
16 prove that, we'll charge them. No doubt about
17 it.

18 (Robert Guzman addressed the Commissioners
19 in Spanish.)

20 SERGEANT DUNLAY: He says sometimes when
21 the Police conducts their investigation, the
22 person who actually committed the crime isn't
23 prosecuted but their bar is the one who suffers
24 the most. They're usually sometimes closed for
25 two weeks to a month.

1 MAYOR STACK: But if the Police Department
2 can prove, Robert, that that person did something
3 wrong, we'll charge them.

4 If there's a complaint by you or by
5 somebody else, one of your employees against
6 someone, and we can prove that by looking at the
7 video cameras or whatever it may be, we'll charge
8 that person.

9 We've charged people in different
10 establishments that have committed crimes on the
11 establishment. If the Police go out there,
12 they'll investigate it fully. But it needs to be
13 brought to their attention.

14 (Sergeant Dunlay interpreted to Spanish.)

15 MAYOR STACK: And -- and to take it a step
16 further, there's been times that Mr. Farmer --
17 we've never dropped a charge here unless Mr.
18 Farmer recommends it after consulting with the
19 Detectives, primarily Sergeant Dunlay and
20 Lieutenant Loaces. Where he says listen, this --
21 this incident that happened, the bar owner had no
22 fault in it so we're going to be dropping it.

23 That's happened dozens of times since I
24 know in the time I've been the Mayor.

25 (Robert Guzman addressed the Commissioners

1 in Spanish.)

2 MAYOR STACK: But let --

3 You want to translate that real quick.

4 (Sergeant Dunlay interpreted to Spanish.)

5 SERGEANT DUNLAY: I'm just going to add on
6 to that, Mayor.

7 MAYOR STACK: Sure.

8 SERGEANT DUNLAY: When we gave the class to
9 the license owners a few months ago I remember
10 explaining this to a lot of these that attended.
11 I'm like the Police to limit that, you know, to
12 -- so we're all on the same page, we kind of make
13 it a point that if an incident happens at the
14 bar, the tavern's gonna get written up.

15 When we decide if we're gonna drop the
16 charges or we're gonna proceed with the charges,
17 that happens at the time when we meet with Mr.
18 Farmer in our pre-trial --

19 From there we read the reports, we review
20 it; if there's sufficient evidence we'll proceed.
21 If we feel that the bar had no fault and it was
22 one of these things that just spontaneously
23 occurred and the bar had no liability or could
24 have not prevented it whatsoever, we drop the
25 charges. And we've done that numerous times.

1 (Sergeant Dunlay interpreted to Spanish.)

2 (Robert Guzman addressed the Commissioners
3 in Spanish.)

4 (Sergeant Dunlay interpreted to English.)

5 SERGEANT DUNLAY: What he's saying is -- he
6 goes what -- what he's saying is that he goes the
7 people that usually start the problems, those
8 people aren't prosecuted. And that's his main
9 concern.

10 MAYOR STACK: I know, but we need proof.

11 (Sergeant Dunlay interpreted to Spanish.)

12 MAYOR STACK: When they start -- when he
13 says that they started the problem, we need proof
14 of that.

15 (Robert Guzman addressed the Commissioners
16 in Spanish.)

17 (Sergeant Dunlay interpreted to English.)

18 SERGEANT DUNLAY: So, just to be clear, if
19 a customer orders a bottle of whiskey, is it okay
20 to leave the bottle of whiskey on the table; yes
21 or no?

22 MAYOR STACK: John Loaces? John?

23 LIEUTENANT LOACES: That would depend on
24 the size of the bottle.

25 According to the Ordinance it can be --

1 MR. FARMER: Twenty.

2 LIEUTENANT LOACES: -- it cannot be 20
3 ounces or less left on the table.

4 (Sergeant Dunlay interpreted to Spanish.)

5 MS. GUTIERREZ: (Indiscernible.)

6 MAYOR STACK: Ma'am? Ma'am? Wait. Maria?
7 Maria?

8 First -- first we have to answer his
9 questions; then you can go next. We've
10 entertained it twice, so you just got to give him
11 a chance to speak.

12 (Robert Guzman addressed the Commissioners
13 in Spanish.)

14 (Sergeant Dunlay interpreted to English.)

15 SERGEANT DUNLAY: He says a lot of times
16 people call and make false allegations and it
17 wastes the Police's resources time.

18 MAYOR STACK: I know. But when that
19 happens we'll prosecute it; bring it to our
20 attention.

21 (Sergeant Dunlay interpreted to Spanish.)

22 MAYOR STACK: If you -- if you walk outside
23 the door here right now and say somebody robbed
24 you, the Police are going to investigate it.

25 Somebody calls from your establishment and

1 says I was punched in the mouth, the Police are
2 going to investigate it. It's their job.

3 (Robert Guzman addressed the Commissioners
4 in Spanish.)

5 (Sergeant Dunlay interpreted to English.)

6 SERGEANT DUNLAY: He said he doesn't have a
7 problem with the Police, he has the problem with
8 the people that make false allegations.

9 MR. FARMER: Can I ask a question about
10 that?

11 MR. GUZMAN: (In English) Yes, sir.

12 MR. FARMER: Are you saying all of those
13 pictures are false allegations?

14 MR. GUZMAN: You're wrong, sir. (Spanish
15 was spoken.)

16 (Sergeant Dunlay interpreted to English.)

17 SERGEANT DUNLAY: He's not talking about
18 that.

19 MR. FARMER: Well, you said people make
20 false allegations about injuries they sustain.
21 Those were pictures of injuries sustained. Are
22 they false allegations?

23 (Robert Guzman addressed the Commissioners
24 in Spanish.)

25 (Sergeant Dunlay interpreted to English.)

1 SERGEANT DUNLAY: He says at no point is he
2 referring to anything that's -- that's pictured
3 up there as --

4 MAYOR STACK: Okay.

5 SERGEANT DUNLAY: -- false allegations.

6 MAYOR STACK: All right. Let's -- let's
7 move on.

8 MR. FARMER: All right.

9 MR. GUZMAN: (In English) Thank you.

10 MAYOR STACK: Thank you very much.

11 Next question?

12 Next question or comment?

13 Anyone else wishing to comment or --

14 MR. FARMER: Ma'am, do you want to say --

15 MAYOR STACK: -- ask a question --

16 MR. FARMER: -- something?

17 MAYOR STACK: -- on the Ordinance?

18 (Comments from the audience;
19 indiscernible.)

20 MAYOR STACK: Maria, would you like to come
21 up again?

22 Maria?

23 MR. FARMER: You have to come up here.

24 SERGEANT DUNLAY: Well, if I can answer
25 your --

1 I believe her question was, you know,
2 what's -- bottles come in three hundred -- small
3 bottles come in 375 milliliters, --

4 Am I correct?

5 (Comments from the audience;
6 indiscernible).

7 SERGEANT DUNLAY: -- 750 milliliters.
8 That's the average size.

9 Twenty ounces is the equivalent to --
10 And I just looked -- I just Google'd it.

11 LIEUTENANT LOACES: 24.5 ounces.

12 SERGEANT DUNLAY: Five hundred ninety-one
13 milliliters.

14 So if your bottle is a 375, it falls under
15 20 ounces, so you can't have it.

16 (Maria Gutierrez addressed the
17 Commissioners from the audience; indiscernible.)

18 COMMISSIONER VALDIVIA: You have to have a
19 750 bottle.

20 LIEUTENANT LOACES: Right. Seven fifty --

21 SERGEANT DUNLAY: Correct.

22 SERGEANT DUNLAY: Yes, sir?

23 (Rubin Cano addressed the Board in
24 Spanish.)

25 MS. DILLON: What is your name?

1 MR. CANO: Rubin.

2 CITY CLERK: Rubin.

3 MR. CANO: R-U-B-N (sic). Cano.

4 CITY CLERK: Cano.

5 MS. DILLON: C-A-N-O?

6 MR. CANO: (In English) Yeah, I father to
7 Karen.

8 MS. DILLON: Okay, R-U-B-I-N?

9 MR. CANO: (In English) Yeah.

10 MS. DILLON: Okay.

11 Mayor, it's a little loud.

12 MAYOR STACK: Go right ahead, sir.

13 MS. DILLON: If they could just --

14 MAYOR STACK: Everyone, if I could just
15 have everybody's attention just so that we can
16 hear the question.

17 Everyone? In the back? Hello.

18 I'm sorry.

19 (Rubin Cano addressed the Commissioners in
20 Spanish.)

21 (Lieutenant Loaces interpreted to English.)

22 LIEUTENANT LOACES: I'm here because -- I
23 came here today because I'd like to know about
24 the Ordinance -- and I think that even though
25 some of these things that have been brought up

1 today do not necessarily occur in my
2 establishment, I understand the concerns. But I
3 think the -- the talking has to continue so that
4 we can come to some equal fair ground.

5 (Rubin Cano addressed the Commissioners in
6 Spanish.)

7 (Lieutenant Loaces interpreted to English.)

8 LIEUTENANT LOACES: We understand and each
9 one of us has his business and runs his business
10 a certain way. But our concern is to try and
11 have a good environment so that we can bring
12 tourists and others into the community.

13 (Rubin Cano addressed the Commissioners in
14 Spanish.)

15 (Lieutenant Loaces interpreted to English.)

16 LIEUTENANT LOACES: We have two young
17 ladies here who are entrepreneurs. They're
18 trying to run a good business. And this is going
19 to negatively impact them.

20 For example, if I run my business and
21 somebody wants to come and have a glass of
22 sangria, I will have no problem serving them
23 their glass of sangria in a plastic cup or an
24 acrylic cup. However, they may not complain but
25 they may not come back.

1 MAYOR STACK: We -- we just said though
2 this only applies to -- to bottles.

3 (Lieutenant Loaces interpreted to Spanish.)

4 (Rubin Cano addressed the Commissioners in
5 Spanish.)

6 (Lieutenant Loaces interpreted to English.)

7 LIEUTENANT LOACES: He's confused over does
8 it involve glasses, not glasses or just beer
9 bottles?

10 MAYOR STACK: We -- I believe we cleared
11 that up though. We could state it again.

12 (Lieutenant Loaces interpreted to Spanish.)

13 COMMISSIONER VALDIVIA: Can I just --
14 Tell him about the bottles, too.

15 MAYOR STACK: Sure.

16 COMMISSIONER VALDIVIA: You got to mention
17 the bottle -- the bottle size.

18 So he's not --

19 MR. FARMER: Twenty ounces.

20 (Lieutenant Loaces interpreted to Spanish.)

21 (Rubin Cano addressed the Board in
22 Spanish.)

23 (Lieutenant Loaces interpreted to English.)

24 LIEUTENANT LOACES: We are the ones that
25 are --

1 MAYOR STACK: No; bottles. Bottles and
2 bottles, that's all.

3 LIEUTENANT LOACES: We the small business
4 owners are the ones that are gonna suffer because
5 of this Ordinance. We're the ones that are gonna
6 be effected. I don't feel that the examples that
7 were given are consistent with the type of small,
8 individual businesses that we run.

9 MAYOR STACK: These incidents happened in
10 Union City.

11 (Lieutenant Loaces interpreted to Spanish.)

12 MAYOR STACK: All 37 happened in Union
13 City.

14 (Lieutenant Loaces interpreted to Spanish.)

15 MR. CANO: (In English) Okay.

16 (Rubin Cano addressed the Commissioners in
17 Spanish.)

18 MAYOR STACK: What's going to bring --
19 what's going to bring --

20 With all due respect, -- with all due
21 respect, -- and that's to everyone that's here --
22 what's going to bring business to your
23 establishment is when the community is safe.
24 When the community is clean.

25 For a good example, on 43rd Street, how 43rd

1 Street looks with new sidewalks and new street
2 decorative lighting. That's what brings people
3 in. When people know the community is safe.
4 When people know that they can go out and the
5 streets are well lit. That's what's going to
6 bring you -- and then whatever you do in your
7 establishment, whether it's food, whether your
8 service, whatever -- whatever you're providing,
9 whatever that may be, dancing, whatever it is,
10 that's what people look for. That's truly what
11 people are looking for.

12 You have a business. And my business is
13 being the Mayor of the City; not just of the bar
14 owners, not just of the restaurant owners but the
15 community in general. And when people look at a
16 Mayor, -- it's not how many big buildings I get
17 built, it's not how many parks you build, it's
18 the overall service of the Administration.

19 We're in the same type of a business. I
20 provide services every day and so do you. It's
21 how you market your services.

22 And if a beer bottle is going to stop
23 somebody from coming in, I think we're taking
24 this a little bit further than what it really
25 needs to go. We're not talking --

1 We cleared up the wine bottles. That's
2 been cleared up already. We're talking about
3 bottles after 9:30 at night. Not at 5 o'clock at
4 night. After 9:30 at night. We need to keep
5 that in perspective. That's when these
6 incidences are happening.

7 The list that -- the list that was read
8 tonight by Sergeant Dunlay, the 37 incidents,
9 this wasn't all incidents with bars in Union
10 City. It was close to probably a thousand
11 incidents that took place in the last eight years
12 in Union City. These are 37 involving a bottle.
13 That's what these pictures are.

14 (Lieutenant Loaces interpreted to Spanish.)

15 MAYOR STACK: If -- if you're looking to
16 scare away businesses, all you have to do is look
17 at some cities around us. And I won't name them;
18 you know where they are. Where they had nine
19 shootings in nine days. Dozens of stabbings over
20 a nine day period. That's what's going to keep
21 business away.

22 I'm not talking about nine shootings or --
23 or dozens of stabbings in liquor establishments.
24 In the City itself. That's what's going to keep
25 people away from your business.

1 (Lieutenant Loaces interpreted to Spanish.)

2 MAYOR STACK: Next question or comment?

3 (Lieutenant Loaces interpreted to Spanish.)

4 (Rubin Cano addressed the Commissioners in
5 Spanish.)

6 MAYOR STACK: Just if you could -- just if
7 you could come please -- come back up please.

8 Thank you.

9 (Rubin Cano addressed the Commissioners in
10 Spanish.)

11 (Lieutenant Loaces interpreted to English.)

12 LIEUTENANT LOACES: All cities need
13 entertainment. Not exaggerated but some
14 entertainment.

15 (Rubin Cano addressed the Commissioners in
16 Spanish.)

17 (Lieutenant Loaces interpreted to English.)

18 LIEUTENANT LOACES: If you want to go out
19 with your family, with your wife, on a Saturday
20 night to have dinner or to have a couple of
21 drinks or dance, you can't in Union City.

22 Why isn't there? We need that.

23 MAYOR STACK: Why -- why is that?

24 (Rubin Cano addressed the Commissioners in
25 Spanish.)

1 (Lieutenant Loaces interpreted to English.)

2 LIEUTENANT LOACES: All cities have their
3 entertainment like going to the theater, going to
4 the movies.

5 I opened up my business to bring in the
6 public.

7 (Rubin Cano addressed the Commissioners in
8 Spanish.)

9 (Lieutenant Loaces interpreted to English.)

10 LIEUTENANT LOACES: He's saying that he
11 realizes that anyone tomorrow can step outside
12 and get shot, get stabbed, get run over by a bus
13 and he reali-- and he says that up there we have
14 ten different people over a period of eight
15 years, which he does not find to be that much.

16 COMMISSIONER FERNANDEZ: He said -- he said
17 five people in ten years.

18 LIEUTENANT LOACES: Oh.

19 COMMISSIONER FERNANDEZ: It's five pages
20 of --

21 MS. CANO: I'm sorry, that's the wrong
22 translation.

23 LIEUTENANT LOACES: I'm sorry. Say it
24 again.

25 MAYOR STACK: It's 37 -- it's 37 cases, 37;

1 37 cases. Not these cases, 37.

2 MR. CANO: Oh. (Spanish was spoken.)

3 MAYOR STACK: We read them all into the
4 record a little while ago.

5 (Lieutenant Loaces interpreted to Spanish.)

6 (Rubin Cano addressed the Commissioners in
7 Spanish.)

8 MS. CANO: I'm sorry, that translation --
9 (indiscernible) -- what he says.

10 LIEUTENANT LOACES: You need to come up
11 here.

12 MS. CANO: The translation --
13 (indiscernible) --

14 MS. DILLON: All right. Wait. Wait.
15 Wait. Wait. You have --

16 MAYOR STACK: You just have to go back --

17 MS. DILLON: -- please get to the
18 microphone.

19 MAYOR STACK: -- on the record again.

20 MS. DILLON: State your name.

21 MS. CANO: The translation needs to be
22 correct.

23 CITY CLERK: State your name please.

24 MS. CANO: Karen Cano.

25 The translation needs to be correct in

1 order to have good communication.

2 What he's trying to say is all these
3 demonstrations, no one is safe from having an
4 accident occur to them.

5 What he's saying is that in all these years
6 the number is not as big. Meaning that Union
7 City is a very safe place. That -- he's actually
8 saying that you guys are doing a good job.

9 I just want to make sure that the
10 translation is correct because we are not against
11 you guys. We are working together.

12 What he's trying to say is we need more
13 support from the politics with the business
14 owners. We need to work together. And that
15 really doesn't happen. Sometimes we kind of feel
16 like you guys want to, you know, put more things
17 on top of us to make it more difficult for us.

18 This is our money. It's not your money,
19 it's our money from our pockets. Twenty six
20 years of work. That's very important to us. So
21 when something like this happens, yes, you see it
22 from a security perspective on civilians. I see
23 it as 26 years that's -- very soon I'm going to
24 have to close down because my business is not
25 going to make money enough to support me the

1 second generation.

2 So let's make it very clear that we're all
3 in the same boat.

4 Thank you.

5 MAYOR STACK: Any other questions?

6 Any other questions or comments?

7 MS. DILLON: Your name, sir?

8 MR. CRUZ: Eduardo Cruz.

9 CITY CLERK: Eduardo Cruz.

10 MS. DILLON: Thank you.

11 (Eduardo Cruz addressed the Commissioners
12 in Spanish.)

13 (Lieutenant Loaces interpreted to English.)

14 LIEUTENANT LOACES: He states he doesn't
15 want to disagree with his peers on the matter.
16 But even though this is a new ordinance or law
17 that we're considering, it's nothing new in
18 Puerto Rico.

19 MAYOR STACK: Any other questions or
20 comments?

21 Sir?

22 MS. DILLON: Your name, sir?

23 MR. MARTINEZ: Wilfredo Martinez.

24 MS. DILLON: I'm sorry?

25 MR. MARTINEZ: Wilfredo Martinez.

1 CITY CLERK: Wilfredo Martinez.

2 MS. DILLON: Okay.

3 Thank you.

4 MR. MARTINEZ: Okay.

5 (Wilfredo Martinez addressed the Board in
6 Spanish.)

7 (Lieutenant Loaces interpreted to English.)

8 LIEUTENANT LOACES: I can see that most of
9 us are here and we're willing to cooperate and
10 we're willing to work with the City. And I think
11 most of us are okay with the beer bottles
12 themselves.

13 I think where we're kind of stuck on and
14 maybe we don't agree is on the individual
15 alcohol.

16 MAYOR STACK: I don't understand.

17 LIEUTENANT LOACES: The liquor. The
18 whiskey for example.

19 COMMISSIONER VALDIVIA: (Indiscernible) --
20 they sell pints more than bottles.

21 MAYOR STACK: John, can you clear that up?

22 Or --

23 (Lieutenant Loaces interpreted to Spanish.)

24 MR. MARTINEZ: (In English) Okay.

25 (Spanish is spoken) -- 750 millimeters and

1 375 milliliters -- (Spanish is spoken).

2 (Lieutenant Loaces interpreted to English.)

3 LIEUTENANT LOACES: The majority he sells

4 750 milliliter, which is 25 ounces.

5 SERGEANT DUNLAY: Twenty-Four. Twenty-four.

6 LIEUTENANT LOACES: Twenty-four? Okay.

7 Or 375 milliliters, which is --

8 SERGEANT DUNLAY: Twelve.

9 LIEUTENANT LOACES: -- 12 ounces.

10 MR. MARTINEZ: Um-hum.

11 MAYOR STACK: You want to clear that up on
12 where they stand on that?

13 (Lieutenant Loaces interpreted to Spanish.)

14 LIEUTENANT LOACES: Milliliters.

15 (Lieutenant Loaces interpreted to Spanish.)

16 MR. MARTINEZ: (In English) Okay.

17 (Lieutenant Loaces interpreted to Spanish.)

18 MR. MARTINEZ: (In English) Okay.

19 (Wilfredo Martinez addressed the

20 Commissioners in Spanish.)

21 (Lieutenant Loaces interpreted to English.)

22 LIEUTENANT LOACES: This is where I believe
23 most of us are in disagreement.

24 MAYOR STACK: I'm sorry?

25 LIEUTENANT LOACES: This is where I believe

1 most of us are in disagreement.

2 I explained to him that the 375 would be in
3 violation; would be prohibited.

4 The 750, as it is 25 ounces, --

5 MAYOR STACK: After 9:30 p.m.

6 Right?

7 LIEUTENANT LOACES: Right. At the 750
8 would be prohibited. Is -- is permissible.

9 He says that's where we disagree.

10 (Wilfredo Martinez addressed the
11 Commissioners in Spanish.)

12 (Lieutenant Loaces interpreted to English.)

13 LIEUTENANT LOACES: I believe that's where
14 the disagreement is.

15 MR. MARTINEZ: Um-hum.

16 MAYOR STACK: Do you have anything on that,
17 Mr. Farmer --

18 MR. FARMER: No, --

19 MAYOR STACK: -- or Sergeant Dunlay, --

20 MR. FARMER: -- we're just dealing with --

21 MAYOR STACK: -- Lieutenant?

22 MS. DILLON: Right to the microphone, --

23 MR. FARMER: We're just --

24 MS. DILLON: -- Mr. Farmer.

25 MR. FARMER: -- dealing with alcohol sold

1 in glass bottles, 20 ounces or less.

2 (Lieutenant Loaces interpreted to Spanish.)

3 MAYOR STACK: What is a pint; how many
4 ounces?

5 COMMISSIONER VALDIVIA: It's 375. It's
6 called 375. They -- they sell most of it. They
7 have a small pint, --

8 MAYOR STACK: Does that clear up his issue?

9 COMMISSIONER VALDIVIA: No.

10 COMMISSIONER MARTINETTI: No.

11 LIEUTENANT LOACES: No. He's saying, I
12 think if I understood him correctly, he said
13 that's where the room is divided on the hard
14 liquor.

15 He said -- the way -- if I understood him
16 correctly he says he believes that everyone is
17 onboard with the actual beer bottle. Their
18 sticking point is the actual alcohol, whether it
19 be the 375 milliliter or the 750 milliliter.

20 MAYOR STACK: And the bottle he described
21 is the 375?

22 COMMISSIONER VALDIVIA: The 375, yeah, they
23 sell more of that.

24 LIEUTENANT LOACES: He mentioned both. He
25 said -- he mentioned both.

1 I explained to him that the 375 --

2 MR. FARMER: Is below 24 ounces.

3 LIEUTENANT LOACES: -- it below 20 ounces.

4 So that would actually be prohibited.

5 MAYOR STACK: Okay.

6 LIEUTENANT LOACES: The 75 -- the 750 ML is
7 24 ounces and that one is permissible.

8 MAYOR STACK: And the Police Department --
9 what's the position -- what's the -- what's the
10 position of the Police Department -- what's the
11 position of the Police Department on -- on what
12 he just mentioned?

13 LIEUTENANT LOACES: In what sense, sir?

14 MAYOR STACK: In reference to the -- in
15 reference to the pint.

16 COMMISSIONER FERNANDEZ: It's whiskey.
17 He's talking about whiskey.

18 COMMISSIONER VALDIVIA: The 375, which is a
19 pint.

20 LIEUTENANT LOACES: It goes back to what --

21 MS. CANO: I think -- (indiscernible) --

22 LIEUTENANT LOACES: -- Mr. Farmer just
23 pointed out.

24 CITY CLERK: You have to wait one second.

25 LIEUTENANT LOACES: It --

1 CITY CLERK: Wait one second.

2 LIEUTENANT LOACES: The Ordinance focuses
3 on any alcohol being served in a glass bottle,
4 whether it be whiskey, beer or whatever. If it's
5 20 ounces or less, it's prohibited after 10 p.m.

6 MAYOR STACK: Okay.

7 LIEUTENANT LOACES: Regardless of what
8 alcohol may be in that glass bottle or container.

9 MAYOR STACK: Sure.

10 Yes?

11 You can come right up -- just come right
12 up, please.

13 MR. FARMER: You can come up. And stand
14 here.

15 MS. ALVAREZ: Okay. Hi.

16 MS. DILLON: Your name?

17 CITY CLERK: Please state your name.

18 MS. ALVAREZ: Patricia Alvarez.

19 MS. DILLON: I'm sorry?

20 MS. ALVAREZ: Patricia Alvarez.

21 I'm speaking on behalf of my father, Pablo
22 Alvarez. He owns the establishment on 2312
23 Summit Avenue, Saint Rose of Columbus.

24 COMMISSIONER FERNANDEZ: Can't hear you.

25 MAYOR STACK: Just if you could keep your

1 voice up.

2 MS. ALVAREZ: The -- the banquet hall. We
3 basically are open almost two nights a week. We
4 have weddings. You know, weddings, baptisms,
5 birthdays. We also have concerts and dances.

6 So part of it is like the same that --

7 I -- I didn't catch your name.

8 But our issue is not the bottle. We
9 stopped selling beer bottles over -- for 25
10 years. We have been -- we have not --

11 I'm speaking for my father.

12 I don't have 25 years of experience but my
13 dad has not sold beer bottles for the past 25
14 years. He's been in business for 38.

15 We agree. This stuff happens all the time,
16 especially in -- in places, you know, with a lot
17 of people that are drinking. So we don't serve
18 beer bottles.

19 However, are issue is also kind of the --
20 the alcohol bottle. We sell -- we have table
21 service, so we sell half bottles at 375
22 milliliters, as well as the 750 milliliters. So
23 that will affect us.

24 The only thing that -- you know, I
25 understand if this goes through but what it will

1 do is we're just gonna have to buy the bigger
2 bottles and sell them for table service. So I
3 just kind of don't under-- I don't understand
4 that part, to be honest. You know, it just will
5 force us to buy bigger bottles.

6 I do agree with the beer bottle though. I
7 completely am in agreement. We -- we don't sell
8 them. We haven't sold them for the past 25
9 years.

10 I just want to bring this up as this is
11 also our point of view with, at least my
12 understanding -- this is kind of for us, our
13 issue with it. The 375 milliliter part, so.

14 MAYOR STACK: I'm -- I'm going to try and
15 answer the question.

16 Let me just ask you this. Why -- why did
17 your dad stop serving twenty -- 25 years ago
18 serving in the beer bottle? Why is that?

19 MS. ALVAREZ: Because we also saw the --
20 the dangerous part of it. However, we've never
21 had any issues selling 375 milliliters for the
22 past --

23 MAYOR STACK: Right.

24 MS. ALVAREZ: -- since my dad's been in
25 business. And most of these stories, almost all

1 of them, I -- I think it's terrible but they're
2 also all concerning a beer bottle. I haven't
3 heard one story that concerns an actual, you
4 know, liquor bottle of 375 milliliters.

5 And I just -- I don't know, I -- I kind of
6 -- that's just my issue. This is -- this is our
7 point of view that I think we have an issue with
8 and that I also want to put out there.

9 If -- I understand if this passes, I would
10 just prefer that we can get it in writing. I
11 feel like we got two letters with two different
12 amounts. So -- one said 12 ounces; another one
13 said 20 ounces. So, -- and we have those letters
14 as well.

15 So, we just -- if they can send this out
16 again with the actual --

17 MAYOR STACK: Absolutely.

18 MS. ALVAREZ: -- wording of it, I think it
19 would help clear up a lot --

20 MAYOR STACK: Absolutely.

21 MS. ALVAREZ: -- of confusion.

22 So, --

23 MAYOR STACK: Thank you very much.

24 MS. ALVAREZ: -- that's my peace.

25 MAYOR STACK: Thank you. Thank you very

1 much. Thank you.

2 COMMISSIONER FERNANDEZ: I think for -- for
3 clarification, Greg, if you can just go over the
4 Ordinance again so everybody's on the same page?

5 There's been back and forth so many times.
6 Just explain the Ordinance one last time as to
7 what it -- it really entails; the time, the sizes
8 and all that kind of stuff.

9 And -- and, David, if you can please look
10 up the --

11 SERGEANT DUNLAY: I'll do it.

12 COMMISSIONER FERNANDEZ: -- the metric from
13 the regular --

14 MR. FARMER: Okay, right there.

15 SERGEANT DUNLAY: Okay.

16 MR. FARMER: Okay.

17 SERGEANT DUNLAY: Guys, just to be clear,
18 I'm gonna read it in English. I'm gonna
19 hopefully translate it correctly in the Spanish
20 language. If there's any corrections or you feel
21 that I'm doing it wrong, please raise your hand
22 and let me know, I'll try to correct it.

23 Serve alcoholic beverages in an open glass
24 bottle designed to hold 20 fluid ounces or less
25 between the hours of 9:30 and 2 a.m.

1 At 10 p.m. all previously served glass
2 bottles must be removed from the tables and the
3 bar area. This prohibition shall apply every day
4 of the week.

5 (Sergeant Dunlay interpreted to Spanish.)

6 A CITIZEN: (Indiscernible.)

7 SERGEANT DUNLAY: Pardon?

8 A CITIZEN: (Indiscernible.)

9 SERGEANT DUNLAY: That I don't know.

10 He's asking as to when would -- this would
11 come into effect.

12 LIEUTENANT LOACES: March.

13 Thirty days. That's what he said.

14 MS. CANO: Question? Can we get --

15 COMMISSIONER VALDIVIA: Wait, wait, wait.

16 No. Sorry.

17 COMMISSIONER FERNANDEZ: Hold on. Hold on.
18 I'm sorry.

19 MR. FARMER: You have to come up here.

20 COMMISSIONER FERNANDEZ: Just one at a
21 time, it's got -- you got to come up.

22 SERGEANT DUNLAY: Guys, because they're
23 having a hearing on it; I'm sorry, everything has
24 to go on the record. So what it is, is we're
25 just asking you to come forward and just speak on

1 the record please.

2 (Lieutenant Loaces interpreted to Spanish.)

3 (Sergeant Dunlay interpreted to Spanish.)

4 MS. DILLON: Your name, sir?

5 MR. SANCHEZ: Nelson Sanchez. Nelson
6 Sanchez.

7 MS. DILLON: I'm sorry; I didn't --

8 SERGEANT DUNLAY: Nelson Sanchez.

9 MS. DILLON: Thank you.

10 (Nelson Sanchez addressed the Commissioners
11 in Spanish.)

12 SERGEANT DUNLAY: This would be effective,
13 if it gets passed, when?

14 MAYOR STACK: If it got passed -- if it was
15 passed tonight it would be effective as of what
16 date, Erin?

17 CITY CLERK: Twenty days after publication.

18 MAYOR STACK: Twenty --

19 CITY CLERK: Twenty days after publication.

20 MAYOR STACK: Twenty days after
21 publication. So probably not until, to be fair,
22 the -- the end of March --

23 CITY CLERK: Correct. Yes.

24 MAYOR STACK: Probably not until the end of
25 March.

1 (Sergeant Dunlay interpreted to Spanish.)

2 MAYOR STACK: Any other questions?

3 Any other comments by anyone?

4 CITY CLERK: State your name again.

5 MS. CANO: Karen Cano.

6 We just want to know if we have a say in
7 the Ordinance or is just the Board?

8 MAYOR STACK: I'm sorry?

9 MS. CANO: Do we have a say in the
10 Ordinance? Or it's just the Board that
11 determines the final --

12 MAYOR STACK: We -- we had public comment.

13 MS. CANO: Okay. But does anything that we
14 say today effect the decision of the Board?

15 MAYOR STACK: Yeah, it effects the way we
16 -- we think up here.

17 MS. CANO: Okay.

18 But then again the Board is the one that
19 makes the decision?

20 MAYOR STACK: Right.

21 MS. CANO: That's what everyone wants to
22 know.

23 If you guys can translate it to them.

24 MAYOR STACK: Yeah.

25 (Sergeant Dunlay interpreted to Spanish.)

1 SERGEANT DUNLAY: Is that correct?

2 MAYOR STACK: Any -- any other questions?

3 Any other comments?

4 Yes, ma'am, you can come right up.

5 MS. DILLON: Your name for the record?

6 MS. YEBES: Lina Yebes.

7 SERGEANT DUNLAY: Lina Yebes.

8 MS. YEBES: L-I-N--

9 MS. DILLON: I'm sorry?

10 MS. YEBES: -- A.

11 SERGEANT DUNLAY: Lina. L-I-N-A.

12 MS. YEBES: Y-E-B-E-S.

13 MS. DILLON: Y --

14 MS. YEBES: E-B-E-S.

15 (Lina Yebes addressed the Commissioners in
16 Spanish.)

17 (Sergeant Dunlay interpreted to English.)

18 SERGEANT DUNLAY: Her question is will
19 everybody be notified in writing when -- if this
20 Ordinance does pass, when it will take effect?

21 MAYOR STACK: Absolutely.

22 SERGEANT DUNLAY: Si, senora.

23 MS. YEBES: (In English) Thank you.

24 MAYOR STACK: Thank you.

25 MS. YEBES: (In English) Thank you.

1 Good night.

2 MAYOR STACK: Next question?

3 Next question or comment?

4 Any other questions or comments?

5 (Sergeant Dunlay interpreted to Spanish.)

6 MAYOR STACK: Just please come right up.

7 (Robert Guzman addressed the Commissioners
8 in Spanish.)

9 (Sergeant Dunlay interpreted to English).

10 SERGEANT DUNLAY: I'm a little confused.

11 (Robert Guzman addressed the Commissioners
12 in Spanish.)

13 LIEUTENANT LOACES: Yes.

14 SERGEANT DUNLAY: He wants to know if the
15 bottle of 750 is still allowed on the table, yes
16 or no?

17 MAYOR STACK: Yes.

18 SERGEANT DUNLAY: And he says, si.

19 MR. GUZMAN: (In English) Oh. Thank you,
20 sir.

21 MAYOR STACK: Any other questions or
22 comments?

23 (Sergeant Dunlay interpreted to Spanish.)

24 MAYOR STACK: Okay. Just -- just for
25 everyone's knowledge, we're going to go back --

1 what we're going to do is we're going to hold off
2 on a vote this evening. We'll have a vote at a
3 later date. We'll notify everyone when that will
4 be. It's the same as we've done on this one.

5 The Commissioners and I believe in
6 notification, as you know, letting everyone know
7 exactly what we're trying to do. We try to give
8 as much information as possible.

9 Under legal requirements we only had to
10 publish in the newspaper but we mailed it to
11 everyone because we wanted to give everyone
12 input. And what we'd like to do is go back and
13 take some of the comments that were made about
14 the table service, where the young lady
15 mentioned --

16 I'm sorry. I didn't remember your name.
17 I'm sorry.

18 But she mentioned about the table service
19 on -- on the smaller bottles. And we'll go back
20 and look at that.

21 The beer bottles we're pretty much solid
22 on. I can tell you among the Commissioners and I
23 we're pretty much solid on.

24 We're going to go back and look at the
25 other bottles and we'll notify everyone in

1 writing. Erin will get a letter out to all the
2 establishments again. We'll notify everyone of
3 when we'll be taking a vote on the matter and if
4 we're making any amendment to this proposed
5 Ordinance.

6 (Sergeant Dunlay interpreted to Spanish.)

7 MAYOR STACK: Within one month.

8 SERGEANT DUNLAY: Okay?

9 MAYOR STACK: And it won't be -- it won't
10 be for the next Commissioner meeting; it would
11 probably be the following meeting, which would
12 probably be about a month. Just so that we can
13 go back --

14 We have one -- another Commission meeting
15 in two weeks. There's a Commission meeting
16 usually every two weeks in the City of Union
17 City.

18 So it would probably be with -- probably
19 within a month, just to give you an idea, when
20 we'll be notifying you.

21 SERGEANT DUNLAY: For the vote, sir?

22 MAYOR STACK: I'm sorry?

23 SERGEANT DUNLAY: The vote would be in a
24 month?

25 CITY CLERK: For another public hearing --

1 MAYOR STACK: Yeah.

2 CITY CLERK: -- and adoption.

3 SERGEANT DUNLAY: Okay.

4 MAYOR STACK: Yeah. Or if we're making any
5 changes to the Ordinance. Either way within
6 about a month.

7 (Sergeant Dunlay interpreted to Spanish.)

8 SERGEANT DUNLAY: Okay?

9 MAYOR STACK: Right.

10 SERGEANT DUNLAY: I'm sorry.

11 MR. MIRANDA: Mr. Mayor, Guido Miranda, Don
12 Ramon Restaurant.

13 MS. DILLON: I'm sorry; what is your name?

14 MR. MIRANDA: Guido Miranda. G-U-I-D-O.
15 Miranda, M-I-R-A-N-D-A. Don Ramon Restaurant,
16 4538 Bergenline Avenue.

17 With the correspondence, the first one they
18 sent out I never got it. And the second one I
19 got Saturday.

20 I think we need a little bit more of lead-
21 time when you send correspondence.

22 MAYOR STACK: Guido, with all due respect,
23 the letter we mailed out is a courtesy. We just
24 have to publish in the newspaper. We mailed it
25 as a courtesy. We mailed it on Saturday, Guido,

1 so that people would remember that, you know, the
2 meeting is on Tuesday.

3 MR. MIRANDA: I understand that, but who
4 reads newspapers these days?

5 MAYOR STACK: I know.

6 MR. MIRANDA: And --

7 MAYOR STACK: But I'm just telling you what
8 the --

9 MR. MIRANDA: And --

10 MAYOR STACK: -- legal requirement is.

11 MR. MIRANDA: And the correspondence I got,
12 I got, you know, -- I know you send out a lot of
13 mail --

14 MAYOR STACK: We do.

15 MR. MIRANDA: -- but it's -- it's -- I -- I
16 know I received it yesterday or Saturday.

17 MAYOR STACK: Hmm.

18 MR. MIRANDA: And the first one I never
19 got.

20 MAYOR STACK: Okay.

21 MR. MIRANDA: Thank you.

22 MAYOR STACK: I -- I can't control what the
23 post office does but we'll do our best to get it
24 to you at least a week before.

25 MR. MIRANDA: I appreciate it.

1 MAYOR STACK: No problem.

2 MR. MIRANDA: Thank you.

3 CITY CLERK: Mayor, if I may?

4 If -- if you want to just leave me your
5 address again, I'll make sure that the address we
6 have on record is correct.

7 MR. MIRANDA: 4538 Bergenline Avenue, Union
8 City.

9 MAYOR STACK: Don Ramon.

10 MR. MIRANDA: Established for 35 years.

11 CITY CLERK: I will make sure that the
12 address we have on record is correct.

13 MR. MIRANDA: Thank you.

14 MAYOR STACK: Within a prior week before.

15 So we're going to table this now?

16 CITY CLERK: Yeah, may I have a motion to
17 table?

18 MAYOR STACK: We'll make a motion to table
19 the Ordinance at this time.

20 CITY CLERK: Motion by Mayor Stack.

21 COMMISSIONER MARTINETTI: Second.

22 CITY CLERK: Second by Commissioner
23 Martinetti.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 CITY CLERK: Commissioner Rivas?
2 COMMISSIONER RIVAS: Yes.
3 CITY CLERK: Commissioner Valdivia?
4 COMMISSIONER VALDIVIA: Yes.
5 CITY CLERK: Commissioner Martinetti?
6 COMMISSIONER MARTINETTI: Yes.
7 CITY CLERK: Mayor Stack?
8 MAYOR STACK: Yes.

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

3 **ORDINANCES FOR HEARING AND ADOPTION**

4 **CONSIDERATION:**

5 2. ORDINANCE AMENDING CHAPTER 223, ARTICLE VI
6 TO INCLUDE SECTION 50 ENTITLED "PROHIBITION ON
7 THE OPERATION OF MARIJUANA CULTIVATION
8 FACILITIES, MARIJUANA PRODUCT MANUFACTURING
9 FACILITIES, MARIJUANA TESTING FACILITIES AND
10 MARIJUANA RETAILERS" AND SUPPLEMENTING CHAPTER
11 223, ARTICLE I, SECTION 5 TO DEFINE RELEVANT
12 TERMS.)

13
14 CITY CLERK: The next Ordinance on this
15 evening --

16 MAYOR STACK: Thank you very much,
17 everyone.

18 CITY CLERK: The next Ordinance on this
19 evening is an Ordinance Amending Chapter 223,
20 Article VI to Include Section 50 Entitled
21 Prohibition on the Operation of Marijuana
22 Cultivation Facilities, --

23 MAYOR STACK: Just wait. Just wait one
24 second.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 CITY CLERK: -- Marijuana Cultivation
3 Facilities, Marijuana Project (sic) Manufacturing
4 Facilities, Marijuana Testing Facilities and
5 Marijuana Retailers and Supplementing Chapter
6 223, Article I, Section 5 to Define Relevant
7 Terms.

8 Mayor, at this time would you like to take
9 public comment?

10 MAYOR STACK: Just one second.

11 Just -- if, everyone, if we could have --
12 everybody, if we could have everybody's
13 attention, we still have the meeting going on.

14 Okay.

15 Anyone at this time would like to comment
16 on this Ordinance at time -- it was an Ordinance
17 Amending Chapter 223.

18 COMMISSIONER VALDIVIA: Buddy Chris.
19 That's my buddy.

20 MR. OCEGUERA: Hi. My name is Chris
21 Oceguela, O-C --

22 MS. DILLON: I'm sorry. What is your name?

23 MR. OCEGUERA: Chris.

24 MS. DILLON: Last name?

25 MR. OCEGUERA: Oceguela. O-C-E-G-U--

1 MS. DILLON: O-- I'm sorry.

2 MR. OCEGUERA: --E-R-A.

3 MS. DILLON: O-C-E--

4 It's -- it's very loud.

5 CITY CLERK: I can't hear him.

6 MS. DILLON: It's very --

7 MR. OCEGUERA: That's why I was waiting for
8 them to --

9 MAYOR STACK: Everyone, everyone, if we
10 could please have quiet? If we could take the
11 conversation out here because the meeting is
12 still going on?

13 Everyone, if we could just have quiet
14 because we have a meeting going on. You're
15 welcome to stay for the meeting; if not, if we
16 could take the conversation into the hallway.

17 MS. DILLON: I'm sorry, sir.

18 MR. OCEGUERA: That's quite all right.

19 O-C-E-G-U-E-R-A.

20 MAYOR STACK: Where -- where is --
21 Lieutenant?

22 MS. DILLON: Thank you.

23 MAYOR STACK: Lieutenant?

24 Can you stay up here --

25 LIEUTENANT LOACES: I'm sorry.

1 MAYOR STACK: -- for any questions also.

2 SERGEANT DUNLAY: Yes, sir.

3 MAYOR STACK: Sergeant Dunlay?

4 SERGEANT DUNLAY: Yes.

5 MR. OCEGUERA: First of all I'd like to say
6 I fully agree with the intent of the Ordinance.
7 It's the correct thing to do for our City.

8 MAYOR STACK: Just, Chris, if you could
9 just keep your voice up just a little bit louder.

10 MR. OCEGUERA: Sure.

11 MAYOR STACK: I appreciate it.

12 MR. OCEGUERA: I fully agree with the
13 intent of the Ordinance for our City. It's the
14 correct thing to do.

15 These types of businesses and retail
16 businesses are not conducive for the dense
17 population, the schools that we have that are
18 totally put close together.

19 However, I think the writing of the
20 Ordinance, specifically Section 1, where you talk
21 about the operate of any marijuana cultivation
22 facility, does not protect my civil liberty as if
23 I wanted to have my own growing plants in my
24 backyard, for example, or my garage, if the
25 State's allowing it.

1 That language there makes it to ambiguous
2 as to a private person, -- not for resale -- for
3 personal use, not being able to or being able to
4 have it in their home. And I'm very concerned
5 about that.

6 MAYOR STACK: See the legislation hasn't
7 passed yet but --

8 MR. OCEGUERA: Right.

9 MAYOR STACK: -- from what --

10 MR. OCEGUERA: But -- but if the Ordinance
11 passes and legislation states, like in other
12 states, --

13 MR. AUTERI: Sir, --

14 MR. OCEGUERA: -- that a --

15 MR. AUTERI: -- I'm sorry, I don't want to
16 cut you off. I just want to be clear. There's
17 also a definition section.

18 MR. OCEGUERA: The definition does not --

19 MR. AUTERI: If you look at it, --

20 MR. OCEGUERA: -- does not --

21 MR. AUTERI: Let me just finish. One
22 second, please.

23 MR. OCEGUERA: -- coincide --

24 I'm sorry.

25 MR. AUTERI: It's -- it's going to be an

1 entity that's licensed to cultivate marijuana.

2 So unless you're a business entity that
3 holds a license, --

4 MAYOR STACK: It wouldn't affect him.

5 MR. AUTERI: -- it's not going to affect --

6 MAYOR STACK: It wouldn't affect you.

7 MR. OCEGUERA: But my question is the
8 English language states any is not necessary a
9 commercial. Any is any.

10 MR. AUTERI: But with a license that's made
11 to cultivate.

12 MR. OCEGUERA: It should say that.

13 MR. AUTERI: And this language is
14 actually --

15 MAYOR STACK: And, Chris, State law trumps
16 whatever we do on -- on -- that's the --

17 State law would override whatever we do.

18 MR. OCEGUERA: But -- but what I'm trying
19 to say is that it should have been written, for
20 example, any commercial entity or any for sale
21 cultivation facility; in the beginning and at the
22 end.

23 Right now as you read the definition does
24 not include what you're stating in any. And
25 that's the only reason why I'm here.

1 MAYOR STACK: Right.

2 Can you clear that up, Angelo?

3 MR. AUTERI: Say that again for follow it
4 up.

5 MAYOR STACK: Can you clear -- can you
6 clear that up?

7 MR. AUTERI: Yes, sir.

8 So, this language was taken from the
9 proposed bill. This is actually what they have
10 there. The definitions that are set forth and
11 the language that we have in Section 1.

12 In terms of enforcement, -- in terms of
13 enforcement, we understand that the reasoning
14 behind the Ordinance is to prevent businesses,
15 dispensaries from opening up -- dispensaries,
16 retail sale, cultivation in a business setting.

17 And I've discussed this with the Police
18 Department. The intent is not to monitor private
19 residences to make sure that they're not growing
20 marijuana in their -- in their house or their
21 home or their yard. That --

22 The Mayor's correct, the -- the State law
23 will trump a City Ordinance. And this City
24 Ordinance is not intended to -- to go into
25 peoples' houses and -- and monitor the sale of

1 marijuana within their private property.

2 MAYOR STACK: If -- if the State law
3 passes, -- because we're awhile away from that in
4 my opinion --

5 MR. OCEGUERA: Right, 2020. I -- I --

6 MAYOR STACK: Right.

7 MR. OCEGUERA: -- I see it.

8 MAYOR STACK: If -- if it passes and you
9 see any issue with this, I give you my word on
10 the record, we'll go back and clear that up. And
11 State law anyway would override whatever we're
12 doing on this level.

13 We're just doing this now because I just
14 don't want dispensaries opening up all over the
15 City.

16 MR. OCEGUERA: Neither do I.

17 MAYOR STACK: But Chris, you understand, if
18 one opens up across the street from Union City
19 High School it would be a problem for us.

20 MR. OCEGUERA: Absolutely.

21 MAYOR STACK: That's all we're -- we're
22 just trying to protect the community --

23 MR. OCEGUERA: We have too many open
24 warehouse --

25 MAYOR STACK: -- in that sense.

1 MR. OCEGUERA: -- spaces.

2 MAYOR STACK: You got it.

3 MR. OCEGUERA: I'm -- I'm --

4 MAYOR STACK: You got it.

5 MR. OCEGUERA: -- wholeheartedly for it but
6 I want to protect my personal civil liberty to
7 make sure that any doesn't include me.

8 MAYOR STACK: If and when the law passes
9 you call me and we'll amend it if we have to.
10 We'll go back and clear it up.

11 And the record speaks for itself. I'll
12 even get you a copy of the record. If you need
13 it, --

14 MR. OCEGUERA: No, no, no, come --

15 MAYOR STACK: You know my word is good.

16 MR. OCEGUERA: Come on. Your --

17 MAYOR STACK: You know my word is good --

18 MR. OCEGUERA: -- your word is bond.

19 MAYOR STACK: -- on it.

20 MR. OCEGUERA: Come on.

21 CITY CLERK: It will be posted on the
22 website.

23 MR. OCEGUERA: No, your word is bond.

24 MR. AUTERI: And, sir, just --

25 MR. OCEGUERA: All right, come on now.

1 MR. AUTERI: And, sir, I just want to add
2 one more thing. That -- that, again just for
3 private use, is not what's intended by this
4 Ordinance.

5 MR. OCEGUERA: No, I'm -- I'm aware of
6 that. I -- I was very concerned because, you
7 know, I like to read. I -- I read all the
8 publications that come out. And I have a command
9 of the English language. And it says any at the
10 beginning of the Ordinance and it also
11 concludes --

12 MR. AUTERI: Yeah but you're not --

13 MR. OCEGUERA: -- at the end of the summary
14 of the Ordinance, any.

15 The definition -- the definition --

16 MR. AUTERI: The definition --

17 It says an entity that's licensed to
18 cultivate marijuana and sell marijuana to
19 marijuana producers.

20 MR. OCEGUERA: That's the definition.

21 CITY CLERK: But you have to take it in its
22 entirety.

23 MR. AUTERI: Excuse me?

24 Yeah, but the definition is --

25 MR. OCEGUERA: Well, that's why I came to

1 ask.

2 MR. AUTERI: That's why the --

3 In fact, the -- we specifically, I'm sorry,
4 put the definition section in here, which is a
5 lot more language, if you look at it, --

6 MR. OCEGUERA: Right.

7 MR. AUTERI: -- specifically to avoid
8 interpretations like the one you just had.

9 MR. OCEGUERA: Okay.

10 MR. AUTERI: So even the way it's written
11 now, the only interpretation legally that you --
12 the only conclusion you can come to regarding the
13 interpretation is that unless you're a business
14 entity licensed to sell marijuana, either to
15 retailers or to other --

16 MR. OCEGUERA: Wholesale or whichever.

17 MR. AUTERI: -- wholesalers, you're fine.

18 MR. OCEGUERA: Transaction.

19 MR. AUTERI: You're fine.

20 MR. OCEGUERA: Transaction for that matter.

21 MR. AUTERI: Yeah. It -- it's fine for --
22 for private use, assuming that it goes -- that it
23 gets passed.

24 All right?

25 MR. OCEGUERA: Correct. Well, --

1 MR. AUTERI: All right.

2 MR. OCEGUERA: -- that's why we do it ahead
3 of time, --

4 MAYOR STACK: Right.

5 MR. AUTERI: Of course.

6 MR. OCEGUERA: -- you know? To be on the
7 right side of the law always.

8 MAYOR STACK: But you have my word on that.

9 MR. OCEGUERA: Thank you so much.

10 MAYOR STACK: Thank you very much.

11 MR. OCEGUERA: I appreciate you guys.

12 MAYOR STACK: Thank you for waiting, too,
13 Chris.

14 MR. OCEGUERA: No, no, --

15 MAYOR STACK: I appreciate it.

16 MR. OCEGUERA: -- it's a -- it's a -- it's
17 a thing that, you know, for me personally, it --
18 it will -- it will help with, you know, medical
19 issues and stuff like that. You know. And --
20 and why try to buy from somebody who taints it
21 when you can do your own thing in your house
22 alone.

23 MAYOR STACK: I got it.

24 MR. OCEGUERA: That's the only reason.

25 And I'm fully for it because the reality is

1 we have too many open warehouse spaces and the
2 last thing we need is every other block, you
3 know, problem coming out of some building.

4 MAYOR STACK: And we're so densely
5 populated.

6 You got it.

7 MR. OCEGUERA: And potential fires.

8 MAYOR STACK: Yes. Yes.

9 MR. OCEGUERA: You know, because that's
10 another thing.

11 MAYOR STACK: Thank you very much, Chris.

12 MR. OCEGUERA: Thank you guys.

13 MAYOR STACK: Thank you.

14 Thank you very much.

15 LIEUTENANT LOACES: Thank you, sir.

16 MAYOR STACK: Anyone else wishing to
17 comment on this Ordinance at this time?

18 Mr. Price, you want to comment?

19 No?

20 CITY CLERK: May I have a motion to close
21 public comment?

22 COMMISSIONER VALDIVIA: Motion.

23 CITY CLERK: Motion by Commissioner --

24 MS. DILLON: Wait. Wait. Wait a minute.

25 I can't --

1 COMMISSIONER FERNANDEZ: Second.
2 MS. DILLON: I'm sorry.
3 MAYOR STACK: Okay.
4 CITY CLERK: All right, one second. I'm
5 sorry.
6 A motion was made --
7 MS. DILLON: Needed it quiet. I'm sorry.
8 MAYOR STACK: Okay.
9 CITY CLERK: A --
10 MS. DILLON: Go ahead.
11 CITY CLERK: A motion was made by
12 Commissioner Valdivia to close public comment.
13 Second by Commissioner Fernandez.
14 Commissioner Fernandez?
15 COMMISSIONER FERNANDEZ: Yes.
16 CITY CLERK: Commissioner Rivas?
17 COMMISSIONER RIVAS: Yes.
18 CITY CLERK: Commissioner Valdivia?
19 COMMISSIONER VALDIVIA: Yes.
20 CITY CLERK: Commissioner Martinetti?
21 COMMISSIONER MARTINETTI: Yes.
22 CITY CLERK: Mayor Stack?
23 MAYOR STACK: Yes.
24 CITY CLERK: May I have a motion to adopt?
25 COMMISSIONER VALDIVIA: Motion.

1 CITY CLERK: Motion by Commissioner
2 Valdivia.

3 COMMISSIONER MARTINETTI: Second.

4 COMMISSIONER FERNANDEZ: Second.

5 CITY CLERK: Second by Commissioner
6 Martinetti.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes.

9 CITY CLERK: Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 CITY CLERK: Commissioner Martinetti?

14 COMMISSIONER MARTINETTI: Yes.

15 CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17

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

20 **ORDINANCES FOR HEARING AND ADOPTION**

21 **CONSIDERATION:**

22 3. ORDINANCE AMENDING CHAPTER 301 AND
23 ESTABLISHING A "NO-KNOCK REGISTRY".)

24

25 CITY CLERK: The last Ordinance we have

1 | this evening is the Ordinance Amending Chapter
2 | 301 Establishing a No-Knock Registry.

3 | Mayor, at this time would you like to take
4 | public comment on --

5 | MAYOR STACK: Sure.

6 | CITY CLERK: -- this Ordinance?

7 | MAYOR STACK: Just -- just before --

8 | Danny, if you can just ask them if they
9 | could hold for five more minutes on moving the
10 | chairs it would be helpful.

11 | It's unbelievable. Unbelievable.

12 | Guys, you got to just give it a few minutes
13 | because all this is picked up on -- on the
14 | system.

15 | MR. RIVERO: Okay, -- (indiscernible).

16 | MAYOR STACK: Angelo or Erin, if you could
17 | just explain this Ordinance.

18 | MR. AUTERI: Sure.

19 | So this is an Ordinance that's going to --
20 | like it says in the title, Establish a No-Knock
21 | Registry.

22 | What this is going to do, we're going to
23 | have a list and citizens in the City can be put
24 | on this list. It's going to be a no-knock list.
25 | Solicitors will -- the -- you're going to get a

1 -- a little picture that you can put on your
2 window.

3 The licensees who come in -- the business
4 licensees who come in and solicit their business
5 to private residences around the City, will have
6 to not only review the list before they go around
7 the City but they will also see the picture in
8 your window and they will not be able to knock
9 and solicit their businesses or good to a private
10 residence.

11 MAYOR STACK: We've -- we've been
12 experiencing a problem in the community where a
13 lot of elderly people -- somebody has come to
14 their home and knocked on their door and said hi
15 I want to buy your home.

16 And this is people that could be in their
17 senior citizen years, sixties, seventies,
18 eighties. They're very confused and people are
19 coming in very aggressively and trying to buy
20 their home.

21 It's usually not somebody just arriving
22 there who likes the house; it's usually an
23 investor.

24 We want to keep the people who are living
25 in Union City. We want them to be comfortable

1 living here. We don't want anybody harassing
2 them to buy their home, especially going and
3 trying to confuse a senior citizen.

4 And it's usually happening on the weekends,
5 on Saturday nights, early Sunday in the morning,
6 Sunday nights. And that's not something we want
7 to see happening in the community.

8 This is just a step to protect our
9 homeowners.

10 If they want to sell their house, they're
11 able bodied, they can put a for sale sign on
12 their house or they could hire a real estate
13 agent. They shouldn't have somebody going to the
14 house and bothering their peace and quiet and
15 enjoyment of their home.

16 Anyone wishing to comment at this time, --

17 MR. AUTERI: Just --

18 MAYOR STACK: -- please step forward.

19 MR. AUTERI: Excuse me, Mayor?

20 And just one last thing that I want to add.

21 That this is not going to affect
22 charitable, political, and religious
23 organizations.

24 MAYOR STACK: Right.

25 MR. AUTERI: Thank you.

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

4 CITY CLERK: Seeing none.

5 May I have a motion to close public
6 comment?

7 COMMISSIONER RIVAS: Motion.

8 CITY CLERK: Motion by Commissioner Rivas.

9 COMMISSIONER MARTINETTI: Second.

10 CITY CLERK: Second by Commissioner
11 Martinetti.

12 Commissioner Fernandez?

13 COMMISSIONER FERNANDEZ: Yes.

14 CITY CLERK: Commissioner Rivas?

15 COMMISSIONER RIVAS: Yes.

16 CITY CLERK: Commissioner Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 CITY CLERK: Commissioner Martinetti?

19 COMMISSIONER MARTINETTI: Yes.

20 CITY CLERK: Mayor Stack?

21 MAYOR STACK: Yes.

22 I would just also like to say -- and I
23 didn't get a chance to say it when we finished
24 the hearing on -- when we summed up on tabling
25 the Ordinance on the -- the bottle ordinance but

1 I want to praise the great job that the entire
2 Police Department did in putting together this
3 presentation.

4 Lieutenant Loaces, Sergeant Dunlay, you
5 guys have done a great job and I appreciate the
6 work you do. Not only on this but the work you
7 do in keeping the City safe; Chief Molinari.

8 Greg Farmer, for the job that he's done in
9 trying to put together the Ordinance.

10 And I just wanted to thank you all before I
11 -- we leave this meeting tonight for what you
12 have done.

13 I appreciate it.

14 CITY CLERK: May I have a --

15 MAYOR STACK: That shows how professional
16 this Police Department is.

17 COMMISSIONER RIVAS: Um-hum.

18 CITY CLERK: I'm sorry.

19 May I have a motion to adopt?

20 COMMISSIONER VALDIVIA: Motion.

21 CITY CLERK: Motion by --

22 COMMISSIONER MARTINETTI: Second.

23 CITY CLERK: -- Commissioner Valdivia.

24 Second by Commissioner Martinetti.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Yes.

2 CITY CLERK: Commissioner Rivas?

3 COMMISSIONER RIVAS: Yes.

4 CITY CLERK: Commissioner Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 CITY CLERK: Commissioner Martinetti?

7 COMMISSIONER MARTINETTI: Yes.

8 CITY CLERK: Mayor Stack?

9 MAYOR STACK: Yes.

10

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

12

13 CITY CLERK: Mayor, at this time, would you
14 like to take public comment on any
15 item concerning government in Union City?

16 MAYOR STACK: Sure.

17 If anyone would like to comment right now
18 on any matter concerning municipal government in
19 the City of Union City, please step forward.

20 I would like to just thank the
21 Commissioners at this time for moving a hundred
22 percent of our meetings around the City, always
23 having them in the evening hours, and making them
24 accessible to all the public.

25 Mr. Price?

1 MR. PRICE: Yes, Larry Price, 1006
2 Palisade.

3 It's late. I'll make this very quick.

4 Tomorrow night and Thursday night we have
5 meetings on the Reexamination. Okay.

6 Section 89 of the Municipal Land Use Law
7 says that every ten years a Reexamination is
8 required of the Master Plan and other Land Use
9 Regulations; which means that the Land
10 Development Ord--

11 Excuse me.

12 -- the Land Development Ordinance could
13 also be looked at at this time.

14 Do we intend to do that? Or is just going
15 to be Master Plan?

16 MR. AUTERI: Right now we don't have any
17 representatives -- we have an outside counsel
18 who's assisting the Planning Board in doing the
19 Master Plan Reexamination. I believe right now
20 we -- we are in the process -- the Planning Board
21 is in the process of -- of doing the report.
22 That's what tomorrow is.

23 If that's a comment that you'd like to make
24 tomorrow to our counsel -- and Mr. McNamara's
25 going to be there as well, then I invite you to

1 | come and -- and make that comment tomorrow night.

2 | CITY CLERK: I don't think it's restricted
3 | to just Master Plan issues.

4 | If there's some other issue you want to put
5 | on the record for the -- the counsel -- legal
6 | counsel and Planner and then also ultimately the
7 | Planning Board to consider, you can certainly do
8 | that.

9 | MR. PRICE: Well, I was thinking
10 | particularly the Land --

11 | I mean we could look at the whole thing or
12 | we could -- because the -- the Master Plan was
13 | adopted in 2009, so we're getting close to the
14 | ten --

15 | MAYOR STACK: Right.

16 | MR. PRICE: -- year limit.

17 | The Land Development Ordinance was adopted
18 | in 2012. So, it's eight year -- or six years.
19 | So, there's no great burden; they just --

20 | The question I have is do we want to look
21 | at them both? Do we want to look at only the
22 | Master Plan now and look at the Land Development
23 | later? Or -- or --

24 | MAYOR STACK: The original goal was the
25 | Master Plan first.

1 Right?

2 CITY CLERK: Correct.

3 MAYOR STACK: I believe it was the Master
4 Plan first and then we were going to look at the
5 second part of it.

6 CITY CLERK: You would look at subsequent
7 ordinances that would need to be adjusted --

8 MAYOR STACK: Right.

9 CITY CLERK: -- based on the statutory
10 requirement to do the Master Plan every ten
11 years.

12 So that of course there's going to be spill
13 over into other -- other ordinances that will be
14 -- need to be amended accordingly. But I think
15 the -- the meeting purpose for tomorrow and
16 Thursday is to solicit public comment on any of
17 those issues, particularly involving the Master
18 Plan. But, you know, that's not to prohibit
19 anyone from speaking on other topics --

20 MR. PRICE: All right.

21 I have one of -- one of the --

22 CITY CLERK: -- concerning Planning.

23 MR. PRICE: -- few existing copies of the
24 Master Plan from ten years ago, so I'll --

25 I make one quick comment about the earlier

1 proceedings.

2 The bottle ordinance isn't written in
3 stone. There would seem to be a lot of heartache
4 about the prohib-- prohibition of 375 --

5 But you could -- you could start off just
6 by prohibiting beer bottles and if it doesn't --

7 I mean the glass -- who knows, if we
8 eliminate beer bottles maybe people start using
9 glasses as weapons or smaller bottle --

10 You can revisit and prohibit those too.

11 MAYOR STACK: We're going to take a look at
12 it and just fine tune.

13 MR. PRICE: Yeah. Okay.

14 Thank you.

15 MAYOR STACK: Thank you very much.

16 Anyone else wishing to comment at this time
17 on any matter concerning municipal government in
18 the City of Union City?

19 I'd like to thank those members of the
20 public that are still here and for the amount of
21 time that the meeting took tonight. I appreciate
22 everyone being patient.

23 Thank you.

24 CITY CLERK: May I have a motion to close
25 public comment?

1 COMMISSIONER FERNANDEZ: Motion.

2 CITY CLERK: Motion by Commissioner
3 Fernandez.

4 COMMISSIONER MARTINETTI: Second.

5 CITY CLERK: Second by Commissioner
6 Martinetti.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes.

9 CITY CLERK: Commissioner Rivas?

10 COMMISSIONER RIVAS: Yes.

11 CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 CITY CLERK: Commissioner Martinetti?

14 COMMISSIONER MARTINETTI: Yes.

15 CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17

18 **ADJOURNMENT:**

19

20 CITY CLERK: There are no other items on
21 the agenda tonight.

22 COMMISSIONER RIVAS: Motion.

23 CITY CLERK: May I have a motion --

24 Motion by Commissioner Fernandez (sic).

25 COMMISSIONER FERNANDEZ: Second.

1 CITY CLERK: Second by Commissioner Rivas
2 (sic).

3 I'm sorry, Commissioner Rivas; then
4 Commissioner Fernandez.

5 All in favor?

6

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

8

9 CITY CLERK: Thank you.

10

11 (Whereupon, the proceedings were concluded
12 at 10:34 p.m.)

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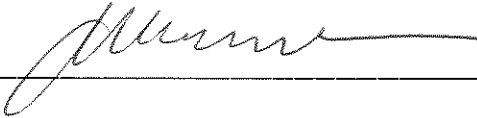
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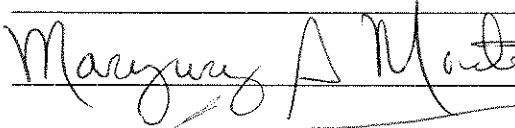
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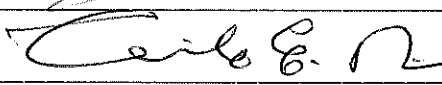
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Brian P. Stack

Lucio P. Fernandez


Maryury A. Martinetti

Celin J. Valdivia


Filo E. Rivas

Board of Commissioners


Attest:

Erin Knoedler,

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 REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 heard on Tuesday, February 13, 2018 and digitally
10 recorded.

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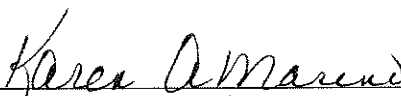
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Karen A. Marino

AOC 493

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25 Monitored and Proofread by: Deborah Dillon

Exhibit 1
2/13/18
[Signature]

BEER BOTTLE INCIDENTS (January 1, 2010 to January 28, 2018)

January 1, 2010 at 00:21 hours – UCPD File # 10000010

Fantasy Night Club, 416-418 43rd Street

Intoxicated patron exits the Fantasy Tavern, located at 418 43rd Street and is observed by a uniformed officer exiting with beer bottle. He then throws the beer bottle on to the ground causing it to shatter. Patron flees, is subdued, and fights with officer who sustains bodily injury.

May 22, 2010 at 04:19 hours – UCPD File # 10036788

Police are dispatched to a large street fight at the intersection of 45th Street and Bergenline Avenue. Upon the Police arrival, groups dispersed. One male is found hiding with a broken beer bottle underneath his shirt. No victim was ever located.

June 6, 2010 at 01:58 hours – UCPD File # 10041875

El Tavi Bar, 3212 Bergenline Avenue

A fight initiates inside the El Tavi Bar located at 3212 Bergenline Avenue. Upon arrival Police find broken Corona beer bottles shattered on the floor of the tavern. Police encounter a male running in the area after another male with a beer bottle in hand. Subsequently he was stopped and arrested.

August 31, 2010 at 01:47 hours – UCPD File # 10068560

At bar closing time, a patron exits a nearby tavern with a Corona brand beer bottle, the defendant uses this beer bottle as a weapon and strikes a male on the left side of his head resulting in a laceration. this occurred in the municipal parking lot on the 400 block of 45th Street.

February 18, 2011 at 02:23 hours – UCPD File # 11012612

Los Reyes Tavern, 3329 Hudson Avenue

Detectives respond to Christ Hospital on a report of a victim of an aggravated assault. Police speak to the victim who had sustained a two (2) inch laceration to the top of his head. Victim indicated that he was inside Los Reyes Tavern located at 3329 Hudson Avenue when he was struck on the head with a beer bottle by a fellow patron he knew from the area.

June 21, 2011 at 03:39 hours – UCPD File #: 11043047

Monaco Bar, 323 48th Street

Victim indicated he was at the Monaco Bar located at 323 48th Street when he observed a friend involved in a verbal altercation with another patron. Victim walked over to assist when he was struck on the face with a broken beer bottle, resulting in a four (4) inch laceration above the left eye.

August 21, 2011 at 01:43 hours -UCPD File # 11057010

La Pupusa Loca, 4709 Bergenline Avenue

At bar break, Detectives observe large groups exiting from La Pupusa Loca tavern located at 4709 Bergenline Avenue. A large gang fight ensues in the street, where patrons use belts and beer bottles as weapons. One male is struck in the face by a flying beer bottle which shatters on victim's face.

October 10, 2011 at 01:06 hours – UCPD File # 11068622

Don Ramon, 4538 Bergenline Avenue

Victim stated to have been inside the Don Ramon tavern located at 4538 Bergenline Avenue where he and a male engage in a verbal altercation. Victim exits the tavern and is met outside the tavern by the same male who then removed a 12oz glass bottle of Corona beer and proceeds to swing it at the victim. Victim was struck on the left side of his face resulting in a six (6) inch laceration extending from his ear to his chin. Additionally, the victim sustained a four (4) inch laceration to his chest.

November 24, 2011 at 23:17 hours – UCPD File # 11078652

Don Ramon, 4538 Bergenline Avenue

Police are dispatch to the Don Ramon tavern located at 4538 Bergenline Avenue on a victim of an assault. Victim related that he was walking past the entrance to the tavern, when two (2) patrons exited the tavern. Victim was struck in the head with a glass Coors Light brand beer bottle for no apparent reason by one of the two patrons for no reason.

January 23, 2012 at 01:31 hours – UCPD File # 12004446

The victim was walking on the 2500 block of Bergenline Avenue when he was stopped by two (2) males. An argument ensues and the victim is attacked by both males with glass beer bottles striking him throughout the body.

February 5, 2012 at 01:55 hours – UCPD File # 12007388

El Centro Bar, 2216 Bergenline Avenue

Victim was at El Centro Bar located at the intersection of 23rd Street and Bergenline Avenue. Victim exits and walks south one (1) block when he is attacked by two (2) male parties who smashed a glass bottle on his face. This resulted in a severe laceration to his right eye and permanent damage to his tear duct.

July 1, 2012 at 01:27 hours – UCPD File # 12040966

Cucalambe, 4418 Bergenline Avenue

Police are flagged down by the victim who indicated he was inside El Cucalambe Tavern located on the 2nd floor of 4418 Bergenline Avenue. Victim indicated that a verbal argument ensued between him and another patron. The other patron proceeded to strike the victim with a glass bottle on the left arm and head.

April 28, 2013 at 01:31 hours - UCPD File# 13023760

Cucalambe, 4418 Bergenline Avenue

Police respond to El Cucalambe Tavern located on the 2nd floor of 4418 Bergenline Avenue. Victim indicated that a fight broke out inside the tavern and patron using a glass beer bottle snuck another patron with the broken beer bottle resulting in a laceration to the neck approximately 4 to 5 inches in length and requiring 16 staples to close.

October 21, 2013 at 01:27 hours - UCPD File# 13064405

Plaza Hispana Tavern, 2506 Bergenline Avenue

Police respond to Plaza Hispana Tavern located at 2506 Bergenline Avenue where a male victim was struck on the top of the head with a 120z. bottle of Corona brand beer. Victim sustained a laceration to his head.

November 3, 2014 at 02:48 hours - UCPD File # 14078345

La Pupusa Loca, 4709 Bergenline Avenue

Male victim was standing outside La Pupusa Loca located at 4709 Bergenline Avenue. Victim was approached by a group of approximately 10 and was assaulted. Victim stated one of the males threw a glass bottle which struck him in the face.

May 10, 2015 at 02:04 hours - UCPD File # 15044219

Pupusa Loca, 4709 Bergenline Avenue

Victim and girlfriend exit La Pupusa Loca located at 4709 Bergenline Avenue. They are followed by a group of 5 males yelling offensive derogatory comments. Victim confronts males and is attacked by one (1) male with a broken beer bottle. Victim sustains a severe laceration to the neck.

June 28, 2015 at 02:09 hours - UCPD File # 15063000

El Papaturro, 1217 Summit Avenue

Victim was inside El Papaturro Bar located at 1217 Summit Avenue when he was struck in the back of the head with a beer bottle twice.

July 10, 2015 at 23:25hrs. UCPD File# 15068025

El Trebol Bar, 3204 Bergenline Avenue

Police respond to a fight outside of El Trebol Bar located at 3204 Bergenline Avenue. Argument ensues inside the bar resulting in 1 male grabbing a glass beer bottle and throwing it inside the bar. Escorted out and a fist fight ensues arrest made.

July 11, 2015 at 01:05 hours - UCPD File # 15068065

Uno Bar, 3607 New York Avenue

Police respond to El Uno Bar located at 3607 New York Avenue on a report of street fight. Upon arrival, groups dispersed however, broken glass beer bottles were scattered throughout the sidewalk and street. Altercation occurred inside the tavern and spilled out to the street where patrons armed themselves with glass bottles and threw it at each other, damaging parked vehicles in the area. No reported injuries.

September 26, 2015 at 01:04 hours - UCPD File # 15099509

El Cuscatleco Bar, 2118 Bergenline Avenue

Police respond to El Cuscatleco Bar located at the intersection of 22nd Street and Bergenline Avenue on a report of an aggravated assault. Investigation reveals a male victim was sitting inside the tavern when another patron grabs a glass beer bottle and shatters it on the victim's head. Victim sustained a serious laceration to the head.

January 3, 2016 at 01:46 hours – UCPD File # 16000898

Cucalambe Bar, 4418 Bergenline Avenue

Police respond to Cucalambe Bar located at 4418 Bergenline Avenue on the report of an assault. An investigation reveals that a woman patron struck another patron with a beer bottle in the face while near the dance floor. Victim sustains a swollen right eye and small cut above her right eye.

May 22, 2016 at 02:11 hours – UCPD File # 16068615

Adoro, 414 38th Street

Victim walked into Police Department to report an aggravated assault. An investigation reveals that a male patron got into an argument with an unknown female patron inside Adoro Café. The victim stated that the female then kned him in the groin area which caused him to hold his hand out to protect himself and accidentally struck her in the lip. The victim states that he turned around and the unknown female then grabbed a glass bottle and struck him in the head.

June 4, 2016 at 22:33 hours – UCPD File # 16075939

Therapy Lounge, 2803 Bergenline Avenue

Security guard flagged down police officer on bike patrol. Security guard was engaged with a male party who had 2 broken beer bottles clenched in each fist and was holding them up in an aggressive manner towards the security guard who was trying to escort him way. Police officer ordered the man to drop the broken beer bottles and he complied. Police officer witnessed shattered glass all over the sidewalk outside the doorway.

July 3, 2016 at 01:45 hours - UCPD File # 16091198

El Trebol, 3204 Bergenline Avenue

Police respond to El Trebol on the report of an aggravated assault and met with a victim bleeding from the back of the head. A review of the video from inside the establishment showed a male party striking the victim with what appears to be a 12oz bottle of beer several times. The victim had a laceration on the left side of his head behind his left ear, and lacerations on his right eyebrow and the bridge of his nose.

December 3, 2016 at 16:36 hours – UCPD File # 16163743

Tropical Bar & Restaurant, 4100 Bergenline Avenue

Police responded to Tropical Bar & Restaurant on report of a fight. Police found the victim outside the establishment. He had blood on both sides of his head near his ear. Victim related to police that he was assaulted by approximately 7 males inside the establishment. Employees inside stated that victim was extremely intoxicated and broke a bottle at the bar for no reason and started to fight with a male patron near the pool tables. The male patron defended himself and struck victim numerous times on his face and head.

April 22, 2017 at 01:20 hours – UCPD File # 17047224

Therapy Lounge, 2803 Bergenline Avenue

Police were flagged down by a female who was assaulted by another patron with a beer bottle in Therapy Lounge.

June 24, 2017 at 22:57 hours – UCPD File # 17072825

Bergenline Liquors, 3819 Bergenline Avenue

Police responded to Bergenline Liquors upon seeing a large group of people screaming and arguing. There was a dispute inside and a patron threw a Heineken beer glass bottle out of the front door and injured a 10-year-old child outside.

July 28, 2017 at 23:14 hours – UCPD File # 17084504

La Estrellas De Mexico, 2421 West Street

Police responded to La Estrellas De Mexico on the report of a fight. Two parties were attacked by three unknown males. One patron suffered a laceration to the bridge of his nose which he sustained from being hit with a beer bottle and the other patron suffered a broken nose which he sustained from being punched with a closed fist.

December 17, 2017 at 01:07 hours – UCPD File # 17129580

La Parrilla Bar & Restaurant, 328 32nd Street

Police were dispatched to La Parrilla Bar & Restaurant on a call of an unwanted party. The owner stated that a patron was drunk and belligerent, when asked to leave she slammed the door on the employee and threw a bottle at her employee.

January 28, 2018 at 01:05 hours – UCPD File # 18007496

Adoro Café, 410 38th Street

Police observed Adoro Café which appeared to be under construction with plywood in front of the establishment. Police entered the establishment to determine if there was a construction crew and observed a male bleeding from his face and tavern employees rendering first aid to the male. Detectives responded to the scene to conduct an investigation. Victim stated that he was assaulted by a female with a beer bottle. The female refused to cooperate and was escorted outside. Detectives place the female under arrest for aggravated assault.

Exhibit 2
2/13/18
[Signature]

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE NO. 2018-02**

**ORDINANCE AMENDING CHAPTER 58 ENTITLED "ALCOHOLIC BEVERAGES"
TO PROHIBIT THE DISTRIBUTION OF GLASS
BOTTLES BETWEEN 9:30 P.M. AND 2:00 A.M. EACH DAY**

WHEREAS, the City has determined that it is in the interest of accomplishing the objectives of the Alcoholic Beverage Control Act ("ABC") and to secure compliance with the ABC Regulations to ban the distribution of glass bottles and containers of alcohol by bars and restaurant establishments serving alcohol, between the hours of 9:30 p.m. and 2:00 a.m. each day;

WHEREAS, the City of Union City (the "City") has determined it is in the interest of public safety to ban the distribution of glass bottles and containers of alcohol by bars and restaurant establishments serving alcohol, between the hours of 9:30 p.m. and 2:00 a.m. each day;

WHEREAS, numerous incidents have been reported wherein glass bottles have been utilized as weapons and caused injuries;

WHEREAS, the City hopes to reduce the severity and occurrences of these incidents and improve the welfare and safety of the general public by banning the service of glass bottles between 9:30 p.m. and 2:00 a.m.;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, they being the Governing Body thereof, as follows:

SECTION ONE:

Chapter 58 Article II § 58-12 entitled "Plenary Retail Consumption Licenses" is hereby amended and supplemented to set forth the following:

A. Prohibitions. No plenary retail consumption licensee shall:

- (1) Provide live entertainment activities where the performer or performers are attired in no more than bikini briefs or where female performers attired in no more than bikini briefs and the breasts covered in such a manner that they remain substantially exposed to view.
- (2) Provide live entertainment activities where the performer or performers receive tips or gratuities from the customers by means of the customers placing such tip or gratuity within or under, or partially within or under, the performer's costume.

(3) Provide any entertainment where the sounds of or vibrations from may be heard or felt outside of the building in which it is located or, if such building also serves other uses, be heard or felt by the occupier of such other portion of the building.

(4) Serve alcoholic beverages in an open glass bottle designed to hold 20 fluid ounces or less between the hours of 9:30 p.m. and 2:00 a.m. At 10:00 p.m. all previously served glass bottles must be removed from tables and the bar area. This prohibition shall apply every day of the week.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

This Ordinance shall take effect upon passage and publication as required by law.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez				
Tilo E. Rivas				
Celin J. Valdivia				
Maryury A. Martinetti				
Mayor Brian P. Stack				

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on January 30, 2018 and was further considered after a Public Hearing held on February 13, 2018 at the Union City Housing Authority Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey.

INTRODUCED: January 30, 2018

ADOPTED: February 13, 2018

ATTEST:

Erin Knoedler
Deputy City Clerk

DATE

SUMMARY OF ORDINANCE

This ordinance prohibits holders of plenary retail consumption licenses in the City from distributing alcohol in glass bottles designed to hold 20 fluid ounces or less during the hours of 9:30 p.m. to 2:00 a.m. seven (7) days per week.

Exhibit 3
2/13/18
JAC

Expert's Report

Prepared by: John A. Cocklin, MBA, CPM

**Evaluation of a Proposed City Ordinance
Restricting the On-Premise Delivery of Alcoholic Beverages in Glass
Containers
For the
Alcoholic Beverage Control Board
Union City, Hudson County, New Jersey**



February 12, 2018

John A. Cocklin, MBA, CPM
6 Roundtop Court
Mechanicsburg, Pennsylvania 17050

MY BACKGROUND RELATING TO RETAIL ON-PREMISE ALCOHOL SERVICE

From 2003 to 2014, I was the Chief Investigator¹ for the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control. In this position I supervised all investigative activities for enforcement of the state laws and administrative regulations by the state of New Jersey for a diverse industry involving the manufacturing, wholesaling, and retailing of approximately 60,000 brand registered alcoholic beverages conducted by more than 10,000 businesses. During my tenure, I participated in, supervised or reviewed in excess of 17,000 investigations and recommended administrative charges for violations of the New Jersey Alcoholic Beverage Control Act. Many of these cases involved acts of violence or brawls in or about the licensed businesses.

During my tenure, I created, designed and implemented the New Jersey Division of Alcoholic Beverage Control's *Last Drink Initiative*, which collects from more than 530 municipal, county and state law enforcement agencies information on the location of a person's last drink before they were arrested for driving while intoxicated. The data is used to identify patterns of customer over-service at on-premise retail alcohol establishments. This information is then used to identify establishments for undercover or overt investigations, conducted by Division of Alcoholic Beverage Control investigative personnel that target the service of alcohol to visibly intoxicated patrons. In addition, in cases involving a fatality or serious injury, investigative personnel conduct an inquiry to determine if the intoxicated driver was visibly intoxicated at the time he/she was being served alcohol at the on-premise retail alcohol establishment. As part of this program, all investigative personnel received training involving the stages of alcohol intoxication and how to identify signs of visible intoxication. The implementation of this program received national news exposure and included segments on CNN and Fox networks. As a result of the program, I received an Exceptional Service Award from the New Jersey Attorney General.

During my tenure with the NJABC, I co-created various law enforcement training courses for municipal police officers assigned to enforce Alcoholic Beverage Control Act violations and conduct the required background investigation that precedes the issuance of an alcoholic beverage license. I, along with an Assistant Attorney General, conducted those training programs for ten years. At the request of the NJ State Association of Chiefs of Police, I, along with an Assistant Attorney General, co-created a block of instruction on alcoholic beverage control issues for police executives and presented this at every New Police Chief Orientation program held from 2004 through 2014.

I have received training in the Techniques of Alcohol Management (TAM) program, a program developed by the National Hospitality Institute. I have also received training in the e-TIPs safe alcohol service program developed by Health Communications, Inc. I am a trainer for the National Nightclub Security Council.

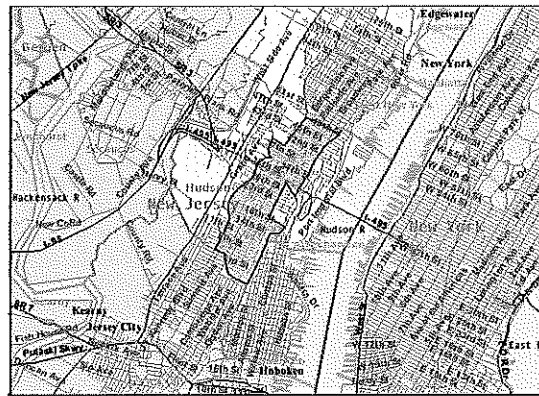
¹Chief Investigator, Division of Alcoholic Beverage Control was my assigned working title by the Attorney General. My New Jersey Civil Service title was Supervising Investigator, Law and Public Safety.

For three years, I was part of a four member team of alcohol management and service experts retained by the owners of the, former, Georgia Dome and used to verify that the alcohol service at the National Football League Atlanta Falcons games was in compliance with the NFL's franchise requirements and TEAM (Techniques for Effective Alcohol Management) server training.

I have a Master in Business Administration degree (MBA) from Rider University, Lawrenceville, NJ and a Bachelor of Science degree with dual majors in Accounting and Criminal Justice from York College of Pennsylvania. I have received basic police officer training from the Pennsylvania Municipal Police Officer Training Commission and career relevant courses from the New Jersey Division of Criminal Justice Training Academy, among others.

UNIQUE URBAN CHARACTERISTICS OF UNION CITY

Union City is an incorporated area with a city charter, a non-partisan commission form of government, located in Hudson County, New Jersey. It has a total land area of 1.283 square miles. According to the 2010 United States Census the city had a total population of 66,455 and is considered the most densely populated city in the United States, with a density of 51,810.1² residents per square mile. The city's estimated population in 2015 is 68,000 with a density increase to 53,000.7 residents per square mile. To place this in perspective, Jersey City, the largest city in Hudson County, has a population density of 16,736.6 residents per square mile, (31% of the density of Union City). Newark, the largest city in New Jersey by population, has a population density of 11,458.3 residents per square mile (22% of the density of Union City). New York City has a population density of 26,403 residents per square mile (50% of the density of Union City)³.



N.J.S.A. 33:1-12.14 (adopted circa. 1960) states that no new plenary retail consumption license or seasonal retail consumption license should be issued in any municipality unless the combined total number of such license is fewer than one for each 3,000 of its population, according to the most recent estimates issued by the United States Bureau of Census. Given the City's estimated population of about 68,000 residents, the law would allow for only twenty-three of on-premise commercial alcohol consumption licenses. Union City currently has sixty-eight such commercial licenses (one for every 1,000 in population) in addition to four plenary retail club licenses.⁴ Many of the commercial licenses were issued before this statute was adopted and were

²Census Bureau map of Union City, New Jersey" by United States Census Bureau - 2014

³United States Census, United States Census Bureau - 2010.

⁴ Plenary retail club licenses are not restricted by the population cap formula.

grandfathered in.⁵ All of these establishments may serve alcohol between the hours of 7:00 a.m. and 2:00 a.m. in a high population density city where residents and businesses must co-exist.

Because of the density of its population, robust public safety agencies are a major concern of city officials. Currently the Union City Police Department employs approximately 200 police officers. The city is part of a regional consortium for fire and EMS protection.

ALCOHOLIC BEVERAGE LICENSES⁶

Union City, through its Alcoholic Beverage Control Board, has issued a total of seventy-two commercial and non-profit retail on-premise alcoholic beverage licenses. The seventy-two are comprised of:

- 33 1. Sixty-six Plenary Retail Consumption Licenses. Holders of this license operate a bar or restaurant where alcohol is sold to patrons by the glass or other open receptacle for consumption on the licensed premise.
- 32 2. Seven Plenary Retail Consumption Licenses with Broad Package Holders of this license may sell alcohol to patrons by the glass or other open receptacle for consumption on the licensed premise and/or sell alcoholic package goods for consumption off the licensed premise. Holders of this license can be a bar, a liquor store or a combination of the two.
- 31 3. Four Club licenses, issued to non-profit social or fraternal organizations who sell alcohol to members, and in certain circumstances, non-members, by the glass or other open receptacle for consumption on the licensed premise.
4. Union City has no seasonal retail consumption licenses.

If all of the on-premise consumption licenses are active, Union City can have seventy-two separate businesses dispensing alcohol to their patrons within the 1.283 square miles of the city. That's one license for every 944 residents. If the licenses were placed evenly throughout the city, there would be an alcohol consumption outlet on every 496,778 square feet of area within the city limits.⁷ Of course, the businesses are not spaced evenly, so the density between businesses is even greater. While the NJABC does not keep density statistics of alcohol licenses per municipality, based upon my experience, the number of retail alcohol outlets in Union City is some of the most densely placed of any municipality in the state.

The Union City Police Department have expressed concerns about the dangers presented by, and the potential for, violent activity often associated with excessive

⁵ A license will last in perpetuity if the licensee renews it on an annual basis, unless the license is revoked by either the issuing authority (the Union City Alcoholic Beverage Control Board) or the Director of the New Jersey Division of Alcoholic Beverage Control.

⁶ Information provided by the Union City Alcoholic Beverage Control Board, 2016.

⁷ The total square feet within the borders of Union City is 35,767,987. (27,878,400 square feet per square mile).

consumption of alcohol by patrons at these locations. The enforcement history summarized later in this report, suggests that this threat is most severe between the hours of 10:00 p.m. and 2:00 a.m. The police have seen a consistent pattern when violence breaks out that patrons use glass bottles as weapons. This presents a significant danger to not only the patrons of the bar, but the employees, the general public and to the police officers who must respond to these acts of violence.

N.J.S.A. 33:1-3.1 of the Alcoholic Beverage Control Act (Title 33) listed the first goal and Legislative purpose of the Act "to strictly regulate alcoholic beverages to protect the health, safety and welfare of the people of the State."

Combining the number of retail alcohol outlets and the density of population within the city, the Union City municipal government must be vigilant to ensure the licensed businesses are operating in compliance with NJ's Alcoholic Beverage Control Act and Division of Alcoholic Beverage Control regulations. Because of the unique urban complexities previously discussed, the municipal government would be prudent to place additional restrictions, above and beyond state regulations, on any activities conducted by these businesses that are contrary to the health, safety and welfare of the city residents.

FIGHTS OR BRAWLS INVOLVING THE USE OF GLASS BOTTLES AS WEAPONS

Within the past several years, the Union City Police Department has noted increased instances of fights within, or immediately outside, a bar where the actors used glass beer bottles as weapons. The use of bottles as weapons is problematic because the broken glass can cause large gashing wounds to direct assault victims and indiscriminate injuries from the broken glass to victims trying to flee the fight. At the request of the Union City ABC Board prosecutor, Gregory T. Farmer, Esquire, the police department's detective bureau compiled a listing of bar fights from January 1, 2010 through January 31, 2018, where glass bottles were used as weapons. The following is a summary of those incidents⁸:

2010 Incidents - Three Total

January 1, 2010 @ 00:21 hours - UCPD File # 10000010

Intoxicated patron exits the Fantasy Tavern, located at 418 43rd St, with a beer bottle in his hand and is observed by a uniformed officer. The patron throws the bottle on the ground causing it to shatter. The patron flees, is subdued and fights with the officer who sustains bodily injury.

June 6, 2010 @ 01:58 hours - UCPD File #10041875

A fight initiates inside the El Tavi Bar, 3212 Bergenline Ave. Upon arrival police find broken beer bottles shattered on the floor of the tavern. In the area, Police

⁸Union City Police Department report dated November 20, 2015 prepared by Detective Sargent David A. Dunlay, #383, updated by Gregory T. Farmer on September 18, 2017 and February 5, 2018.

encounter a male running with a beer bottle in his hand chasing another male. The male with the beer bottle was arrested.

August 31, 2010 @ 01:47 hours - UCPD File # 10068560

At bar closing time, a patron exits a nearby tavern with a beer bottle. The defendant enters the municipal parking lot on the 400 block of 45th St, uses this bottle as a weapon and strikes a male on the left side of his head resulting in lacerations.

2011 Incidents - Five Total

February 12, 2011 @ 01:10 hours - UCPD File# 11010661

Victim is outside El Migueleno Bar located at 2102 Summit Ave and an argument ensues between two parties. One male grabs a glass bottle and smashes it on the victim's head. Victim sustained lacerations to his forehead and the top of his head.

June 21, 2011 @ 03:39 hours - UCPD File# 11043047

Victim indicated he was at the Monaco Bar, located at 323 48th St, when he observed a friend involved in a verbal altercation with another patron. Victim walked over to assist his friend, when he was struck on the face with a broken beer bottle, resulting in a four inch laceration above his left eye.

August 21, 2011 @ 01:43 hours - UCPD File # 11057010

Detectives observe large groups exiting from La Pupusa Loca tavern, 4709 Bergenline Ave. A large gang related fight ensues in the street, where patrons use belts and beer bottles as weapons. One male is struck in the face with a thrown bottle which shatters on the victim's face.

October 10, 2011 @ 01:06 hours - UCPD File # 11068622

Victim was inside the Don Ramon tavern, 4538 Bergenline Ave, where he and another male patron engage in a verbal altercation. Victim exits the tavern and is met outside the tavern by the same male who then removes a beer bottle and proceeds to swing it at the victim. The victim is struck on the left side of his face resulting in a six inch laceration extending from his ear to his chin. Additionally, the victim sustained a four inch laceration to his chest.

November 24, 2011 @ 02:17 hours - UCPD File # 11078652

Police are dispatched to the Don Ramon tavern, 4538 Bergenline Ave on an assault. The victim related that he was walking past the entrance to the tavern, when two patrons exited the tavern. The victim was struck in the head with a beer bottle for no apparent reason.

2012 Incidents - Three Total

January 23, 2012 @ 01:31 hours - UCPD File # 12004446

The victim was walking on the 2500 block of Bergenline Avenue, near several taverns when he was stopped by two males. An argument ensues and the victim is attacked by both males with glass beer bottles.

February 5, 2012 @ 01:55 hours - UCPD File # 12007388

Victim was at the El Eentro Bar located at the intersection of 23rd St and Bergenline Ave. Victim exited the bar and attacked by two males who smash a beer bottle on his face resulting in severe lacerations to his right eye and permanent damage to his tear duct.

July 1, 2012 @ 01:27 hours - UCPD File # 12040966

Police were flagged down by the victim who indicated he was inside the El Cualambe Tavern, 2nd floor 4418 Bergenline Ave. Victim indicated that a verbal argument ensued between him and another patron. The other patron proceeded to strike the victim with a glass bottle on the left arm and head.

2013 Incidents - Two Total

April 28, 2013 @ 01:31 hours - UCPD File # 13023760

Police responded to El Cucalambe Tavern, 2nd floor 4418 Bergenline Ave. Victim indicated that a fight broke out inside the tavern and a patron using a glass beer bottle struck another patron with the broken beer bottle resulting in a laceration to the neck approximately four to five inches in length and requiring sixteen staples to close.

October 21, 2013 @ 01:31 hours - UCPD File # 13064405

Police responded to Plaza Hispana Tavern located at 2506 Bergenline Ave, where a male victim was struck on the top of the head with a glass beer bottle resulting in a laceration to his head.

2014 Incidents - One Total

November 3, 2014 @ 02:48 hours - UCPD File # 14078345

Male victim was standing outside La Pupusa Loca, 4709 Bergenline Ave, when he was approached by a group of approximately ten persons and was assaulted. Victim stated that one of the males in the group threw a glass bottle with struck him in the face.

2015 Incidents - Five Total

May 10, 2015 @ 02:04 hours - UCPD File # 15044219

Victim and girlfriend exit La Pupusa Loca, 4709 Bergenline Ave. They were followed out of the bar by a group of five males who are yelling offensive derogatory comments. The victim confronts the group and is attacked by one of the males with a broken beer bottle. Victim sustains a severe laceration to the neck.

June 28, 2015 @ 02:09 hours - UCPD File # 15063000

Victim was inside El Papaturro Bar, 1217 Summit Ave when he was struck twice in the back of the head with a beer bottle.

July 10, 2015 @ 23:25 hours - UCPD File # 15068025

Police responded to a fight outside the El Trebol Bar, 3204 Bergenline Ave. They determine that an argument ensues inside the bar resulting in one male grabbing a glass beer bottle and throwing it inside the bar. As the male was escorted out of the bar, a fight ensues resulting in this arrest.

July 11, 2015 @ 01:05 hours - UCPD File # 15068065

Police responded to El Uno Bar, 3607 New York Ave on a report of a street fight. Upon their arrival groups are dispersed, however broken glass beer bottles were scattered throughout the sidewalk and street. The altercation occurred inside the tavern and spilled out to the street where patrons armed themselves with glass bottles and threw them at each other damaging parked vehicles in the area. There were no reported injuries.

September 26, 2015 @ 01:04 hours UCPD File # 15099509

Police responded to El Cuscatleco Bar located at the intersection of 22nd St and Bergenline Ave on the report of an aggravated assault. An investigation reveals a male victim was sitting inside the tavern when another patron grabs a glass beer bottle and shatters it on the victim's head. Victim sustains a serious laceration to the head.

2016 Incidents – Five total

January 3, 2016 @ 01:46 hours UCPD File # 16000898

Police responded to Cucalambe Bar located at 4418 Bergenline Avenue on the report of an assault. An investigation reveals that a woman patron struck another patron with a beer bottle in the face while near the dance floor. Victim sustains a swollen right eye and small cut above her right eye.

May 22, 2016 @ 02:11 hours – UCPD File # 16068615

A Victim walked into UCPD headquarters to report an aggravated assault. An investigation reveals that a male patron got into an argument with an unknown female patron inside the Adoro Café, 414 38th Street. The victim was struck on his head by the female using a glass bottle.

June 4, 2016 @22:33 hours – UCPD File #16075939

A security guard at the Therapy Lounge, 2803 Bergenline Avenue, flagged down a police officer on bike patrol. The guard was engaged with a male patron who had two broken beer bottles clenched in each hand. In addition, police observed broken glass on the sidewalk outside the main door of the lounge.

July 3, 2016 @ 01:45 hours – UCPD File # 16091198

Police responded to El Trebol, 3204 Bergenline Avenue on a report of an aggravated assault and find a male victim bleeding from the back of the head. A review of video from inside the establishment showed a male striking the victim several times with what appeared to be a 12 ounce beer bottle.

December 3, 2016 @ 16:36 hours – UCPD File # 16163714

Police respond to a report of a fight at the Tropical Bar & Restaurant, 4100 Bergenline Avenue. Employees report that the male victim was extremely intoxicated and, for no apparent reason, broke a beer bottle and started a fight with another male patron.

2017 Incidents - TwoTotal

June 24, 2017 @ 22:57 hours – UCPD File # 17072825

Police responded to Bergenline Liquors, 3819 Bergenline Avenue after observing a large group of people outside the establishment screaming and arguing. The police determined that there was a dispute inside and a patron threw a glass beer bottle out of the front door and injured a ten year old child outside.

July 28, 2017 @23:14 hours – UCPD File # 17084504

Police on bicycles responded to Las Estrellas De Mexico, 2421 West Street on a report of a fight. Officers found two males covered in blood on the corner of 24th Street and West Street. The victims reported that they were assaulted while eating inside the restaurant. One of the victims was struck over the bridge of the nose with a beer bottle.

2018 Incidents (January 2018 only) – One Total

January 28, 2018 @ 01:05 hours – UCPD File # 18007496

While on walking patrol, an officer came upon a victim receiving first aid by the employees of Adoro Café Tavern, 410 38th Street. The victim had been assaulted by a female patron using a beer bottle.

Analysis of these incidents reveals commonalities:

1. All of the incidents, except one,⁹ occurred between the hours of 10:00 P.M., and the city-wide bar closing hour of 2:00 A.M.
2. All of the incidents occurred in or about bars or taverns.
3. The weapon(s) used in these incidents are glass beer bottles.

In an effort to curtail the availability of glass bottles for use as weapons by patrons during the late evening - early morning hours of alcohol service, the Union City municipal government has proposed limiting the service of alcohol in glass bottles at on-premise retail establishments during those hours. I have been advised that the proposed ordinance will state that no holder of a plenary retail consumption license as it is defined in N.J.S.A. 33:1-12 in the City of Union City would be permitted to serve alcoholic beverages in an open, glass bottle designed to hold twelve fluid ounces or less between the hours of 10:00 p.m. and 2:00 a.m.

⁹ December 3, 2016 @ 16:36 hours – UCPD File # 16163714

I have been asked to analyze the impact of this proposed ordinance on the public, the retailers and the industry in general.

RESTRICTIONS ON THE USE OF GLASS BOTTLES

RETAIL IMPACT

I have researched the issue of prohibiting the service of alcoholic beverages (primarily beer) in glass bottles. I checked through the National Liquor Law Enforcement Association and received no affirmative responses by any state regarding prohibition of glass bottles, with the exception of large sporting or entertainment stadiums.

Almost every major sporting venue in the United States has joined the TEAM Coalition, (Techniques for Effective Alcohol Management), a 501(c)(3) non-profit coalition dedicated to developing uniform best practices programs for the safe sale and service of alcoholic beverages. TEAM recommends that glass containers not be used at events. It does not prohibit metal cans, provided that the caps are removed prior to service.

The National Football League has additional alcoholic beverage standards that apply to all NFL teams. The *NFL Best Practices for Fan Conduct*, section 4.1.4. states:

"All beer and other beverages may only be dispensed by pouring into cups, or through use of non-glass bottles with the cap removed."

During an inspection for compliance with NFL standards, I discussed this guideline with the risk management staff at the former Georgia Dome, home of the Atlanta Falcons. They told me that glass containers are banned from the facility because of the potential for life-threatening injury to fans and players should bottles be thrown from the upper decks. In addition, broken bottles in any of the public access areas could result in injuries. It should be noted, that the Georgia Dome allows metal beer cans. They don't feel that injuries from thrown metal cans would nearly as severe as glass bottles. Also, the Georgia Dome dispenses a large selection of "craft" or small batch beers. This type of product is almost always sold in glass bottles. At any craft beer stand, the glass bottles remain behind the bar and the staff dispenses the beer from the bottle into a plastic cup.

In the immediate Union City area, Legends Hospitality, the food and beverage concessionaire for the more than a dozen major sporting venues, including the New York Yankees, prohibits both glass and metal beverage containers within their stadiums. Non-draft beer is dispensed in plastic bottles. I believe that this policy may be more realistic for the New York area crowds.

Before the 2018 National Football League playoff game between the Philadelphia Eagles and Minnesota Vikings, the Philadelphia Police Department issued a ban on dispensing beer in glass bottles for all the bars in the area of Frankford and Cottman

Avenues. This was done pro-actively to prevent violence where glass bottles could be used as weapons.¹⁰

I believe that a correlation can be prudently drawn between the safety concerns of national sporting leagues in using glass bottles at their events in stadiums and the safety concerns of the Union City government in using glass bottles in the numerous retail establishments within this small, highly populated municipality.

WHOLESALE IMPACT

The impact on beer wholesalers would be negligible. Draft beer (kegs) would still be used by retailers. A retailer could still purchase any beer product in glass or metal bottles. The restrictions are imposed only on the retailer service of the product to the customer in plastic cup instead of a glass bottle.

PUBLIC IMPACT

The sole purpose of the proposed ordinance is to protect the health, safety and welfare of the public in that it seek to limit the use of glass bottles as easily available weapons in any alcohol fueled fight or brawl. The National Institute of Justice publication titled: *Alcohol Outlets as Attractors of Violence and Disorder: A Closer Look at the Neighborhood Environment*¹¹, by Caterina Gouvis-Roman, Shannon Reid, Avinash Bhati, and Bogdan Tereshchenko, published April, 2008, discusses the correlation of bar density and violence in urban areas. Among their critical findings are:

1. The density of on-premise outlets is a significant predictor of aggravated assault.
2. When models for assault examined the different types of on-premise outlets — restaurants, taverns, and nightclubs — the researchers found that the significant relationship between on-premise outlets and assault appears to be driven by taverns, as opposed to restaurants and nightclubs. Neither the coefficient for nightclubs nor the coefficient for restaurants is significant in the models examining assault.¹²
3. The research found that, during the weekend and weekend night periods, high concentrations of on-premise outlets are significantly related to disorder.¹³
4. In addition to targeting policies to reduce how much patrons drink, policies, laws, regulations and practices can be targeted to make alcohol-selling establishments and the neighborhoods that surround them safer, regardless of how much people drink. The research findings suggest that

¹⁰ <http://philadelphia.cbslocal.com/2018/01/17/nfc-championship-game-restrictions/>

¹¹ The report can be found at: <https://www.ncjrs.gov/pdffiles1/nij/grants/227646.pdf>

¹² Page IV

¹³ Page V

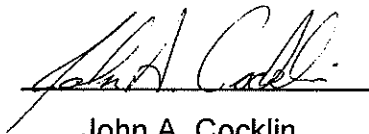
given the link between alcohol outlets and crime, law enforcement becomes a key agent in efforts to make high crime areas safer.

5. In one of the most-often cited ecological studies of the effects of alcohol availability (geographic density of outlets) on violence, Scribner, MacKinnon, and Dwyer (1995) found that in a typical city in Los Angeles county, one additional liquor outlet was associated with 3.4 additional assaults. Socio-demographic variables alone explained 70 percent of the variation in assaultive violence rates. When total outlet density was added to the model, 77 percent of the variation was explained. Similarly, a longitudinal study of 256 American cities between 1960 and 1980 found that the density of liquor stores was significantly related to the change in homicide rates (Parker and Rebbum, 1995). A study using block groups in three northern California cities found that areas with a higher density of alcohol outlets had significantly higher levels of crime. (Alaniz and Parker, 1998).¹⁴

FINDINGS

Within the bounds of reasonable professional certainty, and subject to change if additional information becomes available, it is my professional opinion that:

1. The research, together with the police department statistics identifying the issues involving glass bottles used as weapons, supports the prudent actions of Union City government in adopting the proposed ordinance.
2. The ordinance, if adopted as proposed, would restrict patron access to glass bottles, during the times where the police have historically most incurred glass bottles use as weapons in fights and brawls, in or about the city's on-premise establishments. The passage of the proposed ordinance would provide for the health, safety and welfare of the public without imposing an undue burden upon the retail and wholesale alcohol industry. The ordinance clearly supports the notion of a reasonable policy of safe alcohol service to the patrons of the on-premise alcohol consumption outlets licensed by the city of Union City, New Jersey.



John A. Cocklin

Alcoholic Beverage Operations Expert

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Exhibit 4
2/13/18
[Signature]

NOTICE

Dated: January 31, 2018
To: All Licensees
Re: **Union City ABC Board**

Please be advised that this office represents the Union City Alcohol Beverage Control Board.

Please be advised that Union City Ordinance Chapter 58 Article II § 58-12 entitled "Plenary Retail Consumption Licenses" will be amended and supplemented to set forth the following prohibitions:

No holder of a plenary retail consumption license, as it is defined in N.J.S.A. 33:1-12, in the City of Union City is permitted to serve alcoholic beverages in an open glass bottle designed to hold 20 fluid ounces or less between the hours of 9:30 p.m. and 2:00 a.m. At 10:00 p.m. all previously served glass bottles must be removed from tables and the bar area. This prohibition shall apply every day of the week. Penalties for violations of this Ordinance are set forth in § 58-13 of this Article.

A hearing on this amended Ordinance will take place on **Tuesday, February 13, 2018 at 7:00 PM at Housing Authority Hillside Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey.**

You are welcome to attend.

Very Truly Yours,

GREGORY T. FARMER

GTF/mj

