

ORIGINAL

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

REGULAR MEETING

TRANSCRIPT OF RECORDED

PROCEEDINGS

William V. Musto
Cultural Center
420 15th Street
Union City, New Jersey

Tuesday, March 27, 2018
Commencing at 7:03 p.m.

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

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

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

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

ERIN M. KNOEDLER, CITY CLERK

SCARINCI HOLLENBECK
BY: ANGELO AUTERI, ESQ.
Corporation Counsel

GREGORY T. FARMER, ESQ.
CHARLES D. SAPIENZA, ESQ.
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I N D E X

	<u>PAGE</u>
CALL TO ORDER	4
SALUTE TO FLAG	4
ROLL CALL	4
APPROVAL OF MINUTES	5
ORDINANCE FOR INTRODUCTION	6
CONSENT AGENDA	7
REGULAR AGENDA	13, 15
ORDINANCES FOR HEARING AND ADOPTION	16, 19,
	23, 27
OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD	91
ADJOURNMENT	99

I N D E X

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

<u>WITNESS</u>	<u>PAGE</u>
Roland Schubert, Interpreter (Sworn)	29
Lieutenant John Loaces	31, 47, 74
John A. Cocklin	34
Sergeant David Dunlay	39
 <u>PUBLIC COMMENT</u>	
James McCurley	41
John Catana	51
Karen Cano	57, 85
Maria Gutierrez	76
Wilfredo Martinez	82
Guido Miranda	95

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
EX-6	Notice of Hearing dated 3/14/18	38
EX-7	Ordinance No. 2018-08	38

1 MS. DILLON: Okay.

2 On the record.

3 CITY CLERK: This is a Regular Public
4 Meeting of the Union City Board of Commissioners
5 being held on Tuesday, March 27th, 2018, at seven
6 p.m., at the William Musto Cultural Center, 420
7 15th Street, Union City, New Jersey.

8 Please stand for the Pledge of Allegiance.

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

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

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

20

21 **ROLL CALL:**

22

23 CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Here.

25 CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Here.

2 CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Here.

4 CITY CLERK: Commissioner Martinetti?

5 COMMISSIONER MARTINETTI: Here.

6 CITY CLERK: Mayor Stack?

7 MAYOR STACK: Here.

8

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

11 **APPROVAL OF PREVIOUS MEETING MINUTES FROM MARCH**
12 **13, 2018.)**

13

14 CITY CLERK: The first item is -- for
15 approval is the meeting minutes of March 13th,
16 2018.

17 May I have a motion to approve the minutes?

18 COMMISSIONER VALDIVIA: Motion.

19 CITY CLERK: Motion by Commissioner
20 Valdivia.

21 COMMISSIONER RIVAS: Second.

22 CITY CLERK: Motion by Commissioner Rivas.
23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Abstain.

25 CITY CLERK: Abstain.

1 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.

9

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

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

13 1. ORDINANCE OF THE CITY OF UNION CITY, COUNTY
14 OF HUDSON, NEW JERSEY, CANCELLING CERTAIN FUNDED
15 AND UNFUNDED APPROPRIATION BALANCES HERETOFORE
16 PROVIDED FOR VARIOUS CAPITAL PROJECTS.)

17

18 CITY CLERK: We have one Ordinances on for
19 tonight for Introduction.

20 Adoption on first reading will prompt the
21 advertisement of the Ordinance and the public
22 hearing on April 10th, 2018, at Jefferson
23 Elementary School, 3400 Palisade Avenue, Union
24 City, New Jersey.

25 The Ordinance is an Ordinance of the City

1 of Union City, County of Hudson, New Jersey,
2 Cancelling Certain Funded and Unfunded
3 Appropriation Balances Heretofore Provided for
4 Various Capital Projects.

5 May I have a motion to introduce?

6 MAYOR STACK: Motion.

7 CITY CLERK: Motion by Mayor Stack.

8 Second?

9 COMMISSIONER RIVAS: Second.

10 CITY CLERK: Second by Commissioner Rivas.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 CITY CLERK: Commissioner Martinetti?

18 COMMISSIONER MARTINETTI: Yes.

19 CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21

22 (Whereupon, the Board discussed and took
23 action on the following items in total:

24 **CONSENT AGENDA:**

25 (1) Resolution Approving the Payment of Claims

- 1 (2) Resolution Approving the Payment of
- 2 Concurring Claims
- 3 (3) Resolution Approving the Payment of Escrow
- 4 Refunds
- 5 (4) Resolution Approving the City Payroll for
- 6 the Period of March 17, 2018 through March 30,
- 7 2018
- 8 (5) Resolution Approving the Library Payroll
- 9 for the Period of March 17, 2018 through
- 10 March 30, 2018
- 11 (6) Resolution Authorizing Refund of Redemption
- 12 Monies to Outside Lienholders
- 13 (7) Resolution Authorizing the Refund of an
- 14 Overpayment
- 15 (8) Resolution Authorizing the Refund of
- 16 Premium Monies Collected at the Tax Sale
- 17 (9) Resolution Authorizing the Refund of
- 18 Payment
- 19 (10) Resolution Authorizing a Contract with
- 20 Stan's Sport Center for Baseball and Softball
- 21 Equipment and Uniforms
- 22 (11) Resolution Authorizing a Contract with
- 23 Miracle Chemical for Chlorine and Pool Chemicals
- 24 (12) Resolution Authorizing a Contract with
- 25 Magic Touch Construction and Windsor Mechanical,

- 1 LLC for Plumbing and Mechanical Services
- 2 (13) Resolution Authorizing a Contract with Zero
- 3 Waste for Dog Waste Bags
- 4 (14) Resolution Authorizing a Contract with
- 5 Michael J. Malpere Co., Inc. for the Capstone
- 6 Replacement at Firefighters Memorial Park
- 7 (15) Resolution Authorizing the Submission of
- 8 the 2017 Municipal Recycling Tonnage Grant
- 9 Application
- 10 (16) Resolution Authorizing the City Clerk to
- 11 Advertise for Bids for HVAC Service and Repair
- 12 (17) Resolution Authorizing the City Clerk to
- 13 Advertise for Bids for Pool Maintenance
- 14 (18) Resolution Authorizing the City Clerk to
- 15 Advertise for Bids for Folding Tables
- 16 (19) Resolution Authorizing the City Clerk to
- 17 Advertise for Bids for Horticultural Services.)

18

19 CITY CLERK: We have 19 items on the

20 Consent Agenda.

21 The first is a Resolution Approving the

22 Payment of Claims.

23 The second is a Resolution Approving the

24 Payment of Concurring Claims.

25 The third is a Resolution Approving the

1 Payment of Escrow Refunds.

2 The fourth is a Resolution Approving the
3 City Payroll for the Period of March 17th, 2018
4 through March 30th, 2018.

5 The fifth is a Resolution Approving the
6 Library Payroll for the Period of March 17th, 2018
7 through March 30th, 2018.

8 The sixth is a Resolution Authorizing the
9 Refund of Redemption Monies to Outside
10 Lienholders.

11 The seventh is a Resolution Authorizing the
12 Refund of an Overpayment.

13 The eighth is a Resolution Authorizing the
14 Refund of Premium Monies Collected at Tax Sale.

15 The ninth is a Resolution Authorizing the
16 Refund of a Payment.

17 The tenth is a Resolution Authorizing
18 Contract with Stan's Sport -- Sport Center for
19 Baseball and Softball Equipment and Uniforms.

20 The eleventh is a Resolution Authorizing a
21 Contract for Miracle Chemical for Chlorine and
22 Pool Chemicals.

23 The twelfth is a Resolution Authorizing a
24 Contract with Magic Touch Construction and
25 Windsor Mechanical, LLC for Plumbing and

1 Mechanical Services.

2 The thirteenth is a Resolution Authorizing
3 a Contract with Zero Waste for Dog Waste Bags.

4 The fourteenth is a Resolution Authorizing
5 a Contract with Michael Malpere Company,
6 Incorporated for the Capstone Replacement at
7 Firefighters Memorial Park.

8 The fifteenth is a Resolution Authorizing
9 the Submission of the 2017 Municipal Recycling
10 Tonnage Grant Application.

11 The sixteenth is a Resolution Authorizing
12 the City Clerk to Advertise for Bids for HVAC
13 Service and Repair.

14 The seventeenth is a Resolution Authorizing
15 the City Clerk to Advertise for Bids for Pool
16 Maintenance.

17 The eighteenth is a Resolution Authorizing
18 the City Clerk to Advertise for Bids for Folding
19 Tables.

20 The nineteenth is a -- nineteenth is a
21 Resolution Authorizing the City Clerk to
22 Advertise for Bids for Horticultural Services.

23 Mayor, at this time would you like to take
24 public comment on the Consent Agenda?

25 MAYOR STACK: Sure.

1 Anyone wishing to comment on any the
2 Consent Agenda.

3 That's the items that were just read into
4 the record by the Clerk.

5 Anyone wishing to comment on the Consent
6 Agenda, please step forward.

7 Seeing none on the Consent Agenda.

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

10 COMMISSIONER RIVAS: Motion.

11 CITY CLERK: Motion by --

12 COMMISSIONER VALDIVIA: Second.

13 CITY CLERK: -- Commissioner Rivas.

14 Second by Commissioner Valdivia.

15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 CITY CLERK: Commissioner Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25 CITY CLERK: May I have a motion to

1 adopt all items on Consent Agenda?

2 COMMISSIONER VALDIVIA: Motion.

3 CITY CLERK: Motion by Commissioner
4 Valdivia.

5 COMMISSIONER FERNANDEZ: Second.

6 CITY CLERK: Second by Commissioner
7 Fernandez.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 CITY CLERK: Commissioner Martinetti?

15 COMMISSIONER MARTINETTI: I'm recusing on
16 payments for Adolfo Lopez and the North Hudson
17 Fire and Rescue.

18 Aye on the rest.

19 CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21

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

24 **REGULAR AGENDA:**

25 1. Resolution Approving a Payment of Claims to

1 the Hudson County Improvement Authority.)

2

3 CITY CLERK: We have two items on the
4 Regular Agenda this evening.

5 The first is a Resolution Approving a
6 Payment of Claims to the North Hudson --

7 I'm sorry.

8 -- it's Hudson County Improvement
9 Authority.

10 May I have a motion to approve item 1?

11 COMMISSIONER VALDIVIA: Motion.

12 CITY CLERK: Motion by Commissioner
13 Valdivia.

14 Second?

15 COMMISSIONER FERNANDEZ: Second.

16 CITY CLERK: Second by Commissioner
17 Fernandez.

18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 CITY CLERK: Commissioner Rivas is
21 abstaining?

22 COMMISSIONER RIVAS: Yes.

23 CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 CITY CLERK: Commissioner Martinetti?

1 COMMISSIONER MARTINETTI: Abstain.

2 CITY CLERK: Commissioner Martinetti is
3 abstaining.

4 And Mayor Stack?

5 MAYOR STACK: Yes.

6

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

9 **REGULAR AGENDA:**

10 2. Resolution Concurring the Reappointments of
11 Jeanette Pena and Carlos Vallejo to the Union
12 City Board of Education.)

13

14 CITY CLERK: The second item is a
15 Resolution Concurring Reappointments of Jeanette
16 Pena and Carlos Vallejo to the Union City Board
17 of Education.

18 MR. AUTERI: Ordinarily Commissioner
19 Valdivia would abstain on Board of Education
20 matters. However tonight we're going to invoke
21 the doctrine of necessity.

22 CITY CLERK: May I have a motion to approve
23 item 2?

24 COMMISSIONER RIVAS: Move.

25 MAYOR STACK: Second.

1 CITY CLERK: Motion by Commissioner Rivas.

2 Second by Mayor Stack.

3 Commissioner Fernandez is abstaining.

4 Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 CITY CLERK: Commissioner Martinetti is
9 abstaining.

10 Mayor Stack?

11 MAYOR STACK: Yes.

12 CITY CLERK: Thank you.

13

14 (Whereupon, the Board discussed and took
15 action on the following item:

16 **ORDINANCES FOR HEARING AND ADOPTION**

17 **CONSIDERATION:**

18 1. AN ORDINANCE AMENDING CHAPTER 16 "VEHICLES
19 AND TRAFFIC" (BUS STOP PARKING).)

20

21 CITY CLERK: We have four Ordinances on the
22 agenda for Hearing and Adoption this evening.

23 The first is an Ordinance Amending Chapter
24 16 Vehicles and Traffic regarding bus stop
25 parking.

1 Mayor, would you like to take public
2 comment on this Ordinance?

3 MAYOR STACK: Sure.

4 Anyone wishing to comment on this
5 Ordinance --

6 This -- this addresses the bus stops were
7 we allow people to park in the bus stops any time
8 after --

9 Nine p.m. is it?

10 CITY CLERK: Yes.

11 MAYOR STACK: -- after nine p.m. --

12 CITY CLERK: Or ten p.m.; ten p.m.

13 MAYOR STACK: Ten?

14 CITY CLERK: Yes.

15 MAYOR STACK: -- after 10 p.m. until six
16 o'clock in the morning.

17 We're probably one of the few if not the
18 only municipality in New Jersey that allows this,
19 recognizing that there's a need for parking.

20 We've done this a number of years ago. It
21 actually creates probably three or four hundred
22 additional spaces in the City.

23 We're constantly looking for ways to create
24 more parking. We just recently marked out the
25 spots in the City over the last summer to this

1 year.

2 This is just another measure that we're
3 just trying to clean up the Ordinance to make
4 sure people have that right to do so to park in
5 the bus stop.

6 Anyone wishing to comment on this Ordinance
7 at this time, please step forward.

8 Seeing none.

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

11 COMMISSIONER VALDIVIA: Motion.

12 COMMISSIONER RIVAS: Motion.

13 CITY CLERK: Motion by Commissioner
14 Valdivia.

15 Second by --

16 COMMISSIONER FERNANDEZ: Second.

17 CITY CLERK: -- Commissioner Fernandez.
18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 CITY CLERK: Commissioner Rivas?

21 COMMISSIONER RIVAS: Yes.

22 CITY CLERK: Commissioner Valdivia?

23 COMMISSIONER VALDIVIA: Yes.

24 CITY CLERK: Commissioner Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3 CITY CLERK: May I have a motion to adopt
4 the Ordinance?

5 MAYOR STACK: Motion.

6 CITY CLERK: Motion by Mayor Stack.

7 COMMISSIONER MARTINETTI: Second.

8 CITY CLERK: Second by Commissioner
9 Martinetti.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 CITY CLERK: Commissioner Rivas?

13 COMMISSIONER RIVAS: Yes.

14 CITY CLERK: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 CITY CLERK: Commissioner Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20

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

23 **ORDINANCES FOR HEARING AND ADOPTION**

24 **CONSIDERATION:**

25 2. ORDINANCE AMENDING CHAPTER 311, "BUILDING

1 REQUIREMENTS AND MAINTENANCE" (WINDOW TINTING).)

2

3 CITY CLERK: The second Ordinance on this
4 evening for Adoption is an Ordinance Amending
5 Chapter 311, Building Requirements and
6 Maintenance regarding window tinting and
7 commercial properties.

8 MAYOR STACK: What exactly does this
9 Ordinance do, Angelo?

10 Just if you could explain for the public.

11 MR. AUTERI: Sure. Absolutely, Mayor.

12 So this Ordinance, basically, is going to
13 restrict sun screening materials on the ground
14 floors of the City's buildings.

15 In the Ordinance you'll find specific
16 materials that are still permitted, which is
17 anything above 70 percent allowing the light come
18 through. And the reason why we're doing this,
19 Mayor, is it's a public safety concern.

20 In fact, Lieutenant Loaces is here today.
21 He can expound a little bit more on the public
22 safety aspect.

23 A little bit of window tint is okay because
24 it reduces glare. So we're not restricting it
25 completely. But what is permitted in the

1 language of the Ordinance now is the same as
2 what's permitted in motor vehicles in the State
3 of New Jersey.

4 MAYOR STACK: Again, just to repeat, it's a
5 safety measure so that the public and the -- and
6 the Police Department, more importantly, can see
7 into an establishment just to make sure if
8 anything is happening in the establishment.

9 It's also for the safety of the
10 establishment.

11 Anyone wishing to comment on this Ordinance
12 at this time, please step forward.

13 Seeing none.

14 CITY CLERK: May I have a motion --

15 MAYOR STACK: I'll make a motion.

16 CITY CLERK: Motion by Mayor Stack to close
17 public comment?

18 Second?

19 COMMISSIONER FERNANDEZ: Second.

20 CITY CLERK: Second by Commissioner
21 Fernandez.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes.

24 CITY CLERK: Commissioner Rivas?

25 COMMISSIONER RIVAS: Yes.

1 CITY CLERK: Commissioner Valdivia?
2 COMMISSIONER VALDIVIA: Yes.
3 CITY CLERK: Commissioner Martinetti?
4 COMMISSIONER MARTINETTI: Yes.
5 CITY CLERK: Mayor Stack?
6 MAYOR STACK: Yes.
7 CITY CLERK: May I have a motion to adopt?
8 COMMISSIONER FERNANDEZ: Motion.
9 CITY CLERK: Motion by --
10 COMMISSIONER MARTINETTI: Second.
11 CITY CLERK: -- Commissioner Fernandez.
12 Second by Commissioner Martinetti.
13 Commissioner Fernandez?
14 COMMISSIONER FERNANDEZ: Yes.
15 CITY CLERK: Commissioner Rivas?
16 COMMISSIONER RIVAS: Yes.
17 CITY CLERK: Commissioner Valdivia?
18 COMMISSIONER VALDIVIA: Yes.
19 CITY CLERK: Commissioner Martinetti?
20 COMMISSIONER MARTINETTI: Yes.
21 CITY CLERK: Mayor Stack?
22 MAYOR STACK: Yes.
23 CITY CLERK: Thank you.
24
25 (Whereupon, the Board discussed and took

1 action on the following item:

2 **ORDINANCES FOR HEARING AND ADOPTION**

3 **CONSIDERATION:**

4 3. ORDINANCE SUPPLEMENTING SCHEDULE XI, "NO
5 RIGHT TURN ON RED AT ALL TIMES," OF THE CODE OF
6 THE CITY OF UNION CITY.)

7
8 CITY CLERK: The third Ordinance is
9 Supplementing Schedule XI, No Right Turn on Red
10 at All Times, of the Code of the City of Union
11 City.

12 Mayor, at this time would you like to take
13 public comment on this Ordinance?

14 MAYOR STACK: This would be a no right turn
15 on red coming out onto Kennedy Boulevard. So
16 coming from east to west, traveling on all those
17 streets that come from east to west coming out
18 onto Kennedy Boulevard, there will be no right
19 turn.

20 The reason for that is we're trying to make
21 Kennedy Boulevard safer than what it is right
22 now.

23 Both the County and -- and the City of
24 Union City have committed over the -- many years
25 to try and make it safer.

1 This is just one more step that we're
2 taking with the Police Department not to have
3 people exit -- make a right hand turn onto
4 Kennedy.

5 Most people on Kennedy are not doing 25
6 miles an hour. And for somebody to slow down is
7 very difficult. So we're trying to catch the
8 speeding on Kennedy Boulevard and just make it a
9 little bit safer so those that are driving on
10 Kennedy don't have somebody coming out and making
11 a right hand turn in front of them.

12 Also, the number of children that walk back
13 from Union City High School, whether it's north
14 or south on Kennedy Boulevard, they're put into
15 danger by the right turns on red. We do around
16 most of the schools also.

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

20 Seeing none.

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

23 COMMISSIONER FERNANDEZ: Motion.

24 CITY CLERK: Motion by Commissioner
25 Fernandez.

1 Second?

2 COMMISSIONER RIVAS: Second.

3 CITY CLERK: Second by Commissioner Rivas.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 CITY CLERK: Commissioner Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14 CITY CLERK: May I have a motion to adopt

15 the Ordinance?

16 COMMISSIONER FERNANDEZ: Motion.

17 But --

18 CITY CLERK: Motion --

19 COMMISSIONER FERNANDEZ: -- before I do so,

20 I want to commend the Mayor for such a great

21 Ordinance working with the County. This -- this

22 is such a safety measure.

23 I -- having grown up near Kennedy

24 Boulevard, it's so important for the kids.

25 So I commend you, Mayor, for such a great

1 job --

2 MAYOR STACK: Thank you, Commissioner.

3 COMMISSIONER FERNANDEZ: -- on this
4 Ordinance.

5 COMMISSIONER FERNANDEZ: Yes.

6 MAYOR STACK: Thank you.

7 CITY CLERK: Motion by Commissioner
8 Fernandez.

9 Second?

10 COMMISSIONER RIVAS: Second.

11 COMMISSIONER VALDIVIA: Second.

12 CITY CLERK: Second by Commissioner --

13 COMMISSIONER VALDIVIA: I'm sorry.

14 CITY CLERK: -- Rivas.

15 Commissioner Fernandez?

16 COMMISSIONER FERNANDEZ: Yes.

17 CITY CLERK: Commissioner Rivas?

18 COMMISSIONER RIVAS: Yes.

19 CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 CITY CLERK: Commissioner Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25 * * *

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

3 **ORDINANCES FOR HEARING AND ADOPTION**

4 **CONSIDERATION:**

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

9
10 CITY CLERK: The fourth Ordinance on for
11 this evening is an Ordinance Amending Chapter 58
12 Entitled Alcoholic Beverages to Prohibit the
13 Distribution of Glass Bottles Between 9:30 p.m.
14 and 2 a.m. Each Day.

15 Mayor, I believe there is a --

16 MAYOR STACK: Sure.

17 CITY CLERK: -- short presentation?

18 MAYOR STACK: Sure.

19 Just -- just before we do, I'd like Mr.
20 Farmer to go first and speak.

21 If he has anyone after that that would like
22 to speak; and then I would like the Chief and
23 also Lieutenant Loaces or Sergeant Dunlay to make
24 a statement on this.

25 We've listened to what the establishment

1 | said at the last meeting. We made the change in
2 | the Ordinance that seemed to be of the most
3 | concern and we'd like to have them speak.

4 | And then we'll open up for any questions or
5 | comments anyone may have.

6 | MR. FARMER: Okay.

7 | MAYOR STACK: Mr. Farmer, you're first.

8 | MR. FARMER: Yes. Good evening, Mayor and
9 | the Board.

10 | The situation is -- what I'd first like to
11 | do is incorporate in the record tonight the
12 | events that took place on February 13th. February
13 | 13th. So that what was presented by the ABC Board
14 | and what was presented by the --

15 | CITY CLERK: He's the translator.

16 | MR. FARMER: Okay. All right. Let's start
17 | all over again. Okay?

18 | MR. SCHUBERT: Do I translate everything
19 | you say to the public?

20 | MR. FARMER: Why don't we -- why don't we
21 | wait.

22 | MR. SCHUBERT: Okay.

23 | MR. FARMER: Why don't we wait.

24 | MR. SCHUBERT: Okay.

25 | MR. FARMER: Let me -- excuse me, let me

1 get back to where we are.

2 We have an Interpreter here who can
3 interpret what I'm saying and perhaps it might be
4 best --

5 MAYOR STACK: That should be done.

6 MR. FARMER: Okay, we'll do it.

7 MAYOR STACK: That should be done.

8 MR. FARMER: Okay.

9 MAYOR STACK: Everything should be
10 interpreted.

11 MR. FARMER: Okay.

12 They got to swear you in.

13 MS. DILLON: Please raise your right hand.

14 Do you affirm that your translations from
15 English to Spanish and Spanish to English will be
16 done to the best of your ability?

17 MR. SCHUBERT: Yes I do.

18 MS. DILLON: Please state --

19 MAYOR STACK: Sir, if you can --

20 MS. DILLON: -- your name and spell it for
21 the record.

22 MAYOR STACK: And if you can just keep your
23 voice up.

24 MR. SCHUBERT: Roland Schubert, R-O-L-A-N-
25 D, S-C-H-U-B-E-R-T.

1 Can I have some literature so I can read
2 where -- using -- that I can maybe go along?

3 MR. FARMER: Just interpret.

4 MR. SCHUBERT: Okay.

5 CITY CLERK: It's a copy of the Ordinance.

6 MR. SCHUBERT: Okay.

7 Thank you.

8 (Whereupon, Roland Schubert, Interpreter,
9 translated the entire hearing.)

10 MR. FARMER: The first thing I would like
11 to do is incorporate into the record the events
12 that took place on February 13th.

13 Specifically, the testimony of Detective
14 Dunlay concerning the summary of events over the
15 past seven years dealing with bottles in bars.
16 As well as Lieutenant Loaces who testified that
17 he went over the events that -- and the summary
18 that was prepared by Detective Dunlay and pulled
19 out of those reports certain injuries that
20 occurred at those establishments and produced
21 them in pictures for the Board on February 13th.

22 Obviously I would like to incorporate those
23 pictures that were shown and identified and
24 testified about on February 13th in the record
25 here of these proceedings today.

1 The -- also I would like to incorporate the
2 expert report of Mr. John Cocklin who testified
3 concerning his knowledge in the area of ABC
4 regulations and law and his conclusion that the
5 Ordinance, as drafted, would be in the best
6 interest from a safety point and would be in
7 furtherance --

8 And I'd like to incorporate that report in
9 tonight -- into tonight's proceedings.

10 Now I'd like to call Lieutenant Loaces to
11 the stand to ask him a couple of questions about
12 the Ordinance that is pending before you tonight.

13 By the way, just an aside, the photographs
14 that Lieutenant Loaces identified at the last
15 meeting are in the back behind we're you're
16 sitting, easily available.

17 And obviously the summary that's now in
18 evidence is readily available if anybody wants to
19 talk about a specific incident.

20 Okay, Lieutenant Loaces?

21 MS. DILLON: Lieutenant, please raise your
22 right hand.

23 Do you affirm the testimony you're about to
24 give this Board is the whole truth?

25 LIEUTENANT LOACES: I do.

1 MS. DILLON: Name for the record.

2 LIEUTENANT LOACES: Lieutenant John Loaces,
3 L-O-A-C-E-S.

4 MR. FARMER: All right, Lieutenant Loaces,
5 you were here on February 13th, were you not,
6 concerning this adoption of a bottled beer
7 ordinance?

8 LIEUTENANT LOACES: Yes I was.

9 MR. FARMER: And you heard -- and you heard
10 concern from some licensees about the fact that a
11 12-ounce bottle of beer or 12-ounces in a bottle
12 -- in a bottle would somehow be a detriment to
13 their serving establishment because sometimes
14 they have bottle service over 12 ounces.

15 Correct?

16 Right.

17 MAYOR STACK: Just for the people who are
18 standing in the back, we're going to get some
19 more chairs downstairs. They should be coming up
20 in a few minutes.

21 I'm sorry about that.

22 You want to translate that, Celin?

23 LIEUTENANT LOACES: Actually, the -- the
24 concerns that were expressed --

25 MAYOR STACK: Just one --

1 (Whereupon, Commissioner Valdivia addressed
2 the audience in Spanish.)

3 MAYOR STACK: Paulie (phonetic), can you go
4 downstairs?

5 Thanks.

6 I'm sorry.

7 Go right ahead, Lieutenant.

8 MR. FARMER: Go ahead.

9 LIEUTENANT LOACES: Actually the concerns
10 that were expressed --

11 MR. FARMER: Keep your voice up.

12 LIEUTENANT LOACES: -- were over the
13 bottles of 20-ounce -- 20 ounces or less.

14 MR. FARMER: After you heard those concerns
15 what did you do?

16 LIEUTENANT LOACES: After hearing the
17 concerns of the licensees, I went back and I
18 researched the individual incidents that we had
19 been -- that we had spoken of. And I found that
20 the majority, if not all, had occurred at the
21 hand of 12-ounce bottles of beer.

22 MR. FARMER: And after discovering that,
23 are you aware that the new ordinance before the
24 Board would eliminate or reduce the 20 ounces to
25 12 ounces?

1 LIEUTENANT LOACES: Yes. The Police
2 Department, in consultation with the Chief,
3 myself, and Sergeant Dunlay realized that
4 lowering it from the 20 ounces to the 12 ounces
5 would not be detrimental to the ordinance itself.

6 MR. FARMER: And would be fair to say the
7 Ordinance in its present state of 12 ounces would
8 be beneficial to the Police with respect to
9 enforcing the law for the betterment of the
10 community and would be better for the health,
11 safety and welfare of the community?

12 LIEUTENANT LOACES: Yes, absolutely.

13 MR. FARMER: I have no further questions.

14 Okay, that -- that's it.

15 MAYOR STACK: Thank you, Lieutenant.

16 LIEUTENANT LOACES: Yes, sir.

17 MR. FARMER: Okay.

18 MS. DILLON: Sir, please raise your right
19 hand.

20 Do you affirm the testimony you're about to
21 give this Board is the whole truth?

22 MR. COCKLIN: Yes I do.

23 MS. DILLON: Please state your name for the
24 record.

25 MR. COCKLIN: John Cocklin, C-O-C-K-L-I-N.

1 MS. DILLON: Thank you.

2 MR. FARMER: Now, Mr. Cocklin, you were
3 here last time on February 13th and testified
4 concerning the Ordinance at that time.

5 Correct?

6 MR. COCKLIN: Yes.

7 MR. FARMER: And -- and you stayed for the
8 entire proceedings; not just your testimony but
9 any testimony that followed, any objections or
10 comments of people in the audience?

11 MR. COCKLIN: Yes I did.

12 MR. FARMER: And -- and as you're aware the
13 Police investigated and found that all of the
14 incidents, 30 and so that were in that summary,
15 all occurred as a result of 20(sic)-ounce bottles
16 of beer?

17 MR. COCKLIN: Twenty?

18 MR. FARMER: Twelve ounce. I'm sorry.

19 MR. COCKLIN: It's my understanding that
20 all the incidents involve 12-ounce bottles of
21 beer.

22 MR. FARMER: Now the City has modified the
23 Ordinance to reduce it from 20 ounces to 12
24 ounces.

25 Now with respect to that modification, what

1 is your opinion of it?

2 MR. COCKLIN: The modification, as written
3 to include only 12-ounce bottles of beer,
4 prudently addresses the issue of the injuries
5 that were specified by the Police Department.

6 It also limits the products involved to
7 that of beer -- to -- to that of beer. And would
8 again limit the effect of the Ordinance on the
9 retail establishment.

10 MR. FARMER: Now the Ordinance in its
11 present form right now, in your expert opinion,
12 does it -- or is it in furtherance and in support
13 of the State ABC Rules and Regulations relating
14 this highly regulated business of intoxicating
15 liquor?

16 MR. COCKLIN: Yes. Because the -- the Act
17 -- the Ordinance, I'm sorry, as it's amended
18 specifically addresses the incidents that were
19 identified by the Union City Police Department
20 where the bottles were used to inflict injury to
21 the public.

22 This is narrowly construed and addresses
23 the specific issue.

24 MR. FARMER: So it's entirely appropriate,
25 given the facts, to limit the Ordinance to 12

1 ounces or less?

2 MR. COCKLIN: In my opinion, yes.

3 MR. FARMER: Is there anything you'd like
4 to add?

5 MR. COCKLIN: No, not at this time.

6 MR. FARMER: Okay.

7 Thank you.

8 MAYOR STACK: Thank you.

9 MR. FARMER: Mayor, what I'd like to
10 incorporate in the record is the Ordinance in
11 question, as well as a notice that was sent out
12 on March 14th to all the licensees advising them
13 that the Ordinance would be heard and was --

14 That no --

15 I'll read it verbatim.

16 No holder of plenary retail consumption
17 license, as defined in N.J.S.A. 33:4.12 (sic), --

18 And will you read that, too?

19 Just for the record, what it was was an
20 Ordin-- a letter by me to the licensees telling
21 them about tonight's hearing and telling them
22 that the Ordinance was going to be designed to --
23 to prohibit the sale of alcohol and beer bottles
24 above 12 ounces; 12 ounces or less it's fine, any
25 bottle. Any glass bottle with alcohol in it is

1 fine, 12 ounces or less.

2 And that was the notice to them.

3 And this is the Ordinance.

4 And I'd like those to be placed in the
5 record.

6 And I'm finished.

7

8 (Whereupon, Notice of Hearing dated
9 3/14/18, pre-marked, was received as Exhibit 6.)

10

11 (Whereupon, Ordinance No. 2018-08,
12 pre-marked, was received as Exhibit 7.)

13

14 MS. DILLON: For the record, the notice was
15 marked as Exhibit 6 with today's date.

16 And the Ordinance 2018-08, was marked as
17 Exhibit 7 with today's date.

18 MR. FARMER: Okay. That's all I wanted to
19 add.

20 MAYOR STACK: Also, let the record reflect
21 my office also mailed out a notice on March 19th,
22 separate and apart from them.

23 MR. FARMER: Okay.

24 MAYOR STACK: Did you have -- did --

25 MF. FARMER: That's it.

1 MAYOR STACK: Chief, did you want to add
2 anything further?

3 CHIEF MOLINARI: No, Mayor.

4 MAYOR STACK: No?

5 Sergeant, did you want to add anything
6 further?

7 MS. DILLON: Sergeant, please raise your
8 right hand.

9 Do you affirm the testimony you're about to
10 give this Board is the whole truth?

11 SERGEANT DUNLAY: I do.

12 MS. DILLON: Please state your name for the
13 record.

14 SERGEANT DUNLAY: David Dunlay.

15 Just --

16 MS. DILLON: Thank you.

17 SERGEANT DUNLAY: -- one thing is that I
18 want to commend the Board, I want to commend the
19 Police Department. We heard your concerns last
20 time and I think this is a reasonable point where
21 we can all meet where I think it's fair for the
22 safety of the community and the public, safety of
23 the bar owners as well.

24 That's it.

25 Thank you.

1 MAYOR STACK: Just before I open it up,
2 this Ordinance obviously is being done. We made
3 modifications, as was stated by Mr. Farmer, after
4 the last meeting. We listened to what everyone
5 had to say.

6 I mean in Union City, I'm sure everyone
7 knows, that we've been very proactive in really
8 improving the quality of life in the community.
9 This is something that's being done for the
10 benefit of the safety of all of you, as well as
11 for your patrons. And also innocent people that
12 are outside establishments.

13 We had a young girl get hit the eye coming
14 out of a liquor store and -- walking past a
15 liquor store between 38th and 39th on Bergenline
16 Avenue.

17 I mean you could see by the photographs
18 that are up here. It's not something we're
19 coming up with out of thin air. These are many
20 acts of violence that have taken place using a
21 bottle and this is a proactive step that we're
22 taking.

23 I'd like to thank all of you that attended
24 tonight.

25 And at this point I'd like to open it up

1 for any questions or comments anyone would like
2 to make.

3 You could -- when you come up, if you could
4 just please state your name and address for the
5 record.

6 Thank you.

7 MR. McCURLEY: Hello.

8 I'm James McCurley.

9 MS. DILLON: Spell your name for the record
10 please.

11 MR. McCURLEY: M-C-C-U-R-L-E-Y. And I am a
12 former resident of Union City; currently live in
13 West New York. Frequent establishments in Union
14 City often and also do a lot of shopping here.

15 So I'm glad to be here. It's really
16 honestly a pleasure to speak in front of all of
17 you. It's a great turnout and honestly it's a --
18 it's a good exercise of democracy --

19 And I also want to commend the Police
20 Department for taking a proactive approach. It's
21 commendable and, you know, all Police Departments
22 should certainly strive to be proactive.

23 I do, however, understand at opposition to
24 the Ordinance in its totality.

25 Number one point being if you're of the

1 drinking age then you should be responsible
2 enough to drink out of a bottle.

3 The issues here today are not addressing
4 the specific problem, which is violence from
5 alcohol. And this Ordinance only speaks to
6 addresses a microscopic fraction of alcohol-
7 related violence in the City and all other
8 ordinances.

9 We're instead focusing on a symptom and
10 doctors do not focus on symptoms, they focus on
11 root issues.

12 Now you can see in front of you different
13 images of people that have been hit with bottles.
14 However, what you don't see are images of
15 violence that were caused by knives, other
16 dangerous weapons, or basic and aggravated
17 assaults, which didn't -- which obviously do not
18 require weapons. Those are hands, feet, fists,
19 body parts, et cetera.

20 So, again, as -- as a commendation to the
21 Police Department, from 2016 to 2017, the changes
22 in gun violence, knife violence -- and these are
23 specific to assaults -- knife violence, other
24 dangerous weapons, and aggravated -- and
25 aggravated assaults, had fallen 38 percent, 18

1 percent, and 100 percent.

2 So that's obviously a -- a commendation
3 towards good policing.

4 So if you understand the Uniform Crime
5 Reporting, which was standardized and formulated
6 by the FBI, then you would understand that these
7 bottles would fall under other dangerous weapons
8 and the average offense over the seven years
9 listed in the 30 specific incidences, 20 of them
10 specifically attribute violence from a bottle
11 where people were witness taking a bottle from
12 those establishments out of the 30. One of which
13 included a liquor store, which does not fall
14 under the same Ordinance if you cannot drink on
15 premises.

16 MR. SCHUBERT: Because?

17 MR. McCURLEY: Which does not fall under
18 the same Ordinance if you drink on premises.

19 MAYOR STACK: The one liquor establishment
20 mentioned, you can. The license is you can.

21 MR. McCURLEY: They do have a plenary --

22 MAYOR STACK: Yes.

23 MR. McCURLEY: Okay.

24 MAYOR STACK: The one that was mentioned
25 you can.

1 MR. McCURLEY: So of those 79 other
2 dangerous weapons, assaults, three of them can be
3 attributed to a bottle of 97 in 2016.

4 MR. SCHUBERT: I'm sorry. Bottle? Seven?

5 MR. McCURLEY: So, three -- three bottle
6 incidences can be attributed to the 97 other
7 dangerous weapon assaults from 2016; and three of
8 which can be attributed then out of 79 in 2017.

9 And, you know, just a simple illustration
10 is knife violence for 2016/2017 --

11 MR. SCHUBERT: Night violence?

12 MR. McCURLEY: Knife violence.

13 -- 2016 to 2017 with 36 and 22,
14 respectively.

15 So, with that being mentioned, it seems
16 that we're really trying to grab at straws and
17 specifically targeting establishments that serve
18 alcohol on premise.

19 If you take the population of Union City of
20 -- of the legal drinking age, per the U.S.
21 Consensus (sic) estimates for 2017, there are
22 51,750 people in Union City of the eligible
23 drinking age.

24 This means that of everyone in this room
25 .005 percent of you have the chance of being

1 attacked by a 12-ounce bottle. The odds are
2 obviously much higher for many other forms of
3 violence per the report filed to the Department
4 of Law and Public Safety.

5 Part of the analysis that was done also
6 related an establishment in Elizabeth, New Jersey
7 to establishments throughout Union City. And, as
8 we all know, Elizabeth has many different
9 demographics and serves different demographics
10 and there are -- and the establishment is also of
11 a different size than most, if not all,
12 establishments in Union City per their capacity.

13 So if the argument is that 12-ounce glass
14 bottles are dangerous, then it seems awfully
15 targeted to stop only the sale at -- at plenary
16 retail consumption licensees. If 12-ounce
17 bottles are dangerous then all 12-ounce bottles
18 should just be banned from Union City.

19 Certainly you should not be able to buy 12-
20 ounce bottles anywhere per the restrictions that
21 are included, which -- which target the retail
22 consumption license.

23 So I come back to the root cause and the
24 root issue, which is of alcohol abuse. When
25 people are drunk and in rage anything at their

1 hand can become a weapon. So by this analysis
2 cutlery, chairs, stools, anything hard, sharp or
3 considered dangerous should be bolted down or
4 specifically banned from this Ordinance.

5 We can see that there's a zero percent
6 chance of death by bottle in Union City and
7 that's, you know, a commendation obviously by
8 vast emergency responders and good local
9 hospitals. But we can see that there are many
10 ways to die in the United States which, in fact,
11 you have many more odds.

12 So, one in seven people die every year in
13 the United States from heart disease and cancer.
14 One in 95 die from intentional self-harm.

15 Intentional self-harm, so suicide.

16 One in 645 die as an occupant in a vehicle.
17 One in 9,824 die in air and space transport
18 incidences.

19 Now taking the actual violent crimes from a
20 bottle your odds of injury, not death, are one in
21 18,000. So it seems we've put a lot of effort
22 towards restricting a very small specific piece
23 of taxpaying and -- and local businesses.

24 In conclusion, I want to again thank the
25 Police Department and the members of the Board

1 for the proactivity.

2 However, from the evidence I've listed out,
3 it is extremely misguided; it focuses on a very
4 small segment of violence.

5 And I would suggest perhaps that instead of
6 this Ordinance we come up with a way of
7 allocating these resources that we've spent so
8 much time with in educating people in alcohol
9 abuse and providing resources and making sure
10 that we continue to provide resources and make
11 them more available and advertise for them and
12 make them more obvious for people to turn to.
13 Because reducing alcohol abuse is in reality the
14 way that you solve alcohol-related violence.

15 And that is all.

16 MAYOR STACK: Lieutenant Loaces, would you
17 like to add anything?

18 LIEUTENANT LOACES: I heard what the
19 gentleman had to say and I guess I'd like to
20 start by thanking him for his kind words towards
21 the Police Department and our efforts.

22 However, I -- I think he's missing the
23 reason for this Ordinance. He went on to quote
24 statistics and percentages of crimes versus
25 injuries versus weapons I think he said. And I

1 think he boiled it down, if I understood
2 correctly, to alcohol-related violence.

3 There is no doubt that this is alcohol-
4 related violence. And the purpose of this
5 Ordinance is not to end alcohol-related violence
6 because that's not realistic.

7 What we're concerned with, what we're
8 focused on, is ending injuries that look like
9 that. Injuries where people are permanently
10 disfigured, come within inches of losing their
11 lives, and that's what this Ordinance is about.
12 And I think this Ordinance is important and I
13 think it's necessary. And the gentleman pointed
14 out small percentages that suffer these injuries,
15 as opposed to the vast majority that don't.

16 But how many is enough?

17 Is one injury like that enough? I think it
18 is.

19 Should we wait until we have 500, a
20 thousand of those injuries, for us to wake up and
21 say you know what? The majority of the licensees
22 in this room do a fine job maintaining the front
23 door. They check customers for knives and
24 weapons. They -- many of them use metal
25 detectors to ensure that nobody enters their

1 establishment with a weapon. But within minutes
2 of being in that establishment, at the price of a
3 few dollars, the licensees themselves hand the
4 customer the weapon.

5 It's not fair to the customer. It's not
6 fair to the licensee, whether they realize it or
7 not.

8 We in the Police Department, our concern is
9 one concern, the safety of our residents. We
10 cannot, will not, and never can consider profit
11 over safety.

12 I've seen these people in these photos.
13 Hard to understand a photo. But when you're
14 talking to these people, when you see what
15 they're going through, what they've been through,
16 when you meet with them weeks after the incident
17 and they're still traumatized and they're still
18 permanently disfigured and they're afraid, how
19 could we not adopt an ordinance like this?

20 Thank you.

21 MAYOR STACK: Lieutenant, can I ask you, I
22 know you did a lot of research on this.

23 LIEUTENANT LOACES: Yes, sir.

24 MAYOR STACK: When you go -- when you go to
25 MetLife Stadium let's say, do they serve you in a

1 bottle or do they put it into a cup?

2 LIEUTENANT LOACES: They put it into a cup
3 or if not they hand you an aluminum bottle.

4 MAYOR STACK: And do you know why that's
5 done at those venues?

6 LIEUTENANT LOACES: Well, for safety.
7 Because just the mere shape of the bottle lends
8 itself to be grabbed and used as a weapon.

9 Not to mention if you don't want to use it
10 directly as a weapon in your hand, you can just
11 throw it into the crowd and hit anybody who
12 happens to be there. Not passing -- not adopting
13 an ordinance like this I think is irresponsible
14 for the licensees, not at this point.

15 MAYOR STACK: I honestly thought from the
16 -- from the comments that we heard in the last,
17 it was about the ounces of the bottle. I thought
18 that was the whole -- the whole argument that I
19 sat and heard.

20 LIEUTENANT LOACES: My understanding that
21 the crux of the argument on February 13th was that
22 they -- under the previous Ordinance of 20 ounces
23 or less they would not be able to sell the
24 smaller whiskey bottles of 375 ml.

25 By lowering it to 12 ounces, they may now

1 continue to sell those smaller bottles of alcohol
2 that are 375 ml.

3 MAYOR STACK: Thank you very much.

4 LIEUTENANT LOACES: Thank you, sir.

5 MAYOR STACK: Next person wishing to
6 comment.

7 MR. SCHUBERT: I'm going to need water.

8 MAYOR STACK: Sir, if you could please step
9 forward.

10 Just state your name and address for the
11 record.

12 MS. DILLON: Here, sir.

13 MR. CATANA: Hello, everybody.

14 My name is John Catana and I'm from --

15 MS. DILLON: Spell your name for me.

16 MR. CATANA: J-O-H-N, C-A-T-A-N-A.

17 MS. DILLON: And your address?

18 MR. CATANA: That would be 1211 14th
19 Street, North Bergen, New Jersey.

20 I've been a citizen of Union City for most
21 of my life. Just recently moved to North Bergen.

22 And I would like to begin by thanking you
23 for your years of service, Senator Stack, and
24 Commissioners. You know, you've -- you've done
25 your best as a Senator, as a Mayor to service --

1 but most importantly as a citizen of Union City.
2 But I think more than anything you understand the
3 struggles of being here on Bergenline and knowing
4 how -- knowing how it is to live here with
5 possible danger.

6 I would like to begin by introducing myself
7 as the new president of the newly revived Union
8 City of Chamber of Commerce. And -- and I'm
9 actually here today to try to remind us of what
10 Union City means to all of us.

11 And I think it's forgotten sometimes why
12 situations like this, both ordinance and these
13 issues are coming up, are -- are important to
14 everyone in this room. Ethnicity, diversity and
15 opportunity are what Union City stands for all of
16 us here.

17 I'd like the record to know that we are
18 here for negotiation, not confrontation, and we'd
19 like to know -- we'd like it to be known that
20 Union City's a place for growth.

21 Now almost every business in Union City has
22 been owned by the parents of who owns them now.

23 MR. SCHUBERT: By?

24 MR. CATANA: By the parents of someone who
25 owns them now. And they work hard; they're very

1 proud and passionate about their business. And
2 Union City's rich in purpose and pride for -- for
3 our -- our -- from where we live.

4 You know most of the residents here have
5 been here for generations. But we must know that
6 that's our strength, not -- not our weakness.

7 I'd stand here today tell you Senator Stack
8 that -- that the Union City Chamber of Commerce
9 has your back. We understand that many things
10 need to change for the goals and the progress of
11 the City.

12 Now the City's changing, as well as the
13 world in it -- as well as the world. And now
14 more than ever we are more connected but this
15 leaves more space for division.

16 We -- we shouldn't really see at how we
17 disagree and figure out why we should agree. We
18 should look towards what makes us the same, not
19 what makes us different.

20 Now, Senator Stack and Commissioners, there
21 will always people opposed to progress but that
22 won't stop the wave from crashing. We want to be
23 part of -- of this -- this situation. We want to
24 be part of the civic association. We want to be
25 involved. Business owners of Union City don't

1 want to be left on the sidelines. The business
2 owners of Union City don't want to be set in the
3 sidelines. And -- and we'd like to make it clear
4 that we want to be involved in situations like
5 this.

6 Now whether particular establishments are
7 at fault for these occurrences, let's not impede
8 the progress and how much we ensure to keep our
9 city safe.

10 Now this could be anybody's son, it could
11 be anybody's daughter but it shouldn't be and it
12 won't be. And there's a lot of precautions that
13 we all have to take, not only as cops but as
14 business owners, citizens, and administrators.
15 There's a lot things that need to change for us
16 to grow.

17 I'm here today just to make one thing
18 clear. That we want the businesses of Union City
19 to be part of the conversation. We want to be
20 involved. We want to be -- and just to know that
21 we're here, too. And that this City is our home
22 as well.

23 We all want to make sure that this place is
24 safe. We look forward to having an open
25 conversation about any changes that might

1 preclude progress. But these changes must come
2 forth through open dialogue.

3 Now we respect your time and thank you so
4 much for everything you've done for us.

5 Thank you for your time.

6 Thank you, Senator Stack.

7 MAYOR STACK: Thank you.

8 MR. CATANA: Thank you, Commissioners.

9 MAYOR STACK: Thank you.

10 Thank you very much for your comments.

11 MR. FARMER: Mayor, if I might, in response
12 before the next person would talk, in response to
13 your question to Lieutenant Loaces about sale at
14 sporting events, that's addressed in Mr.
15 Cocklin's report on page 10.

16 And if I might, it will take me a minute
17 just to -- it talks about the NFL has additional
18 alcohol beverage standards.

19 And basically under their provision,
20 Section 4.1.4 it states, -- this is the NFL
21 position:

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

25 That's their written policy.

1 Mr. Cocklin also pointed out that during
2 his -- his inspection to see if people were
3 complying with the NFL standard, he talked to the
4 former Georgia Dome, home of the Atlanta Falcons.
5 He talked to the Georgia Dome, which was the
6 former -- and they told him that glass containers
7 are barred from the facility because of the
8 potential of life-threatening injuries to fans
9 and players should bottles be thrown from the
10 upper deck.

11 MR. SCHUBERT: They were told what? What
12 was that?

13 MR. FARMER: They told him --

14 And indeed in his report on page 10 Mr.
15 Cocklin points out that the playoff game between
16 Philadelphia Eagles and the Minnesota Vikings,
17 the Police Department banned the dispensing of
18 beer in glass bottles for all bars in the area.

19 The -- and as Mr. Cocklin observed, that
20 was done in a proactive way to be -- to prevent
21 violence where glass bottles could be used as a
22 weapon.

23 And then Mr. Cocklin opines that you could
24 draw safety concerns of national sporting leagues
25 in using glass bottles -- in not using glass

1 bottles at --

2 And the safety concerns in Union City and
3 the use of glass bottles within a small highly
4 populated municipality in the bars.

5 Now -- now that is already in the record
6 and it is Exhibit 3 that has previously been
7 entered.

8 MAYOR STACK: Thank you.

9 MR. FARMER: Just wanted to clear that up.

10 MAYOR STACK: Thank you, Mr. Farmer.

11 MR. FARMER: All right.

12 MAYOR STACK: Next person who wishes to
13 comment at this time, please step forward, state
14 your name and address for the record.

15 MS. CANO: Karen Cano.

16 MS. DILLON: And your address.

17 MS. CANO: 4215 Bergenline.

18 MS. DILLON: Thank you.

19 MS. CANO: Hello, Mr. Mayor, how are you?

20 Hello, Commissioners.

21 So once again I'm here standing, not to
22 represent anyone; I want to speak for myself this
23 time.

24 I know I spoke with the Police Department.

25 I -- I spoke with them last time. They told me

1 they were going to make a change for us. I think
2 there was a misunderstanding; or I misunderstood.

3 I thought when they said --

4 MS. DILLON: Would you just take one step
5 behind her so you're not so much on top of the
6 mic.

7 Thank you.

8 MAYOR STACK: And maybe if you could,
9 Karen, just go slow. Just so that he could
10 translate --

11 MR. SCHUBERT: I'm going to have to sit
12 because my back --

13 MAYOR STACK: -- and then you go.

14 MR. SCHUBERT: My back is hurting me.

15 MAYOR STACK: Yeah, no problem.

16 You know what it is? I -- I just think
17 it's -- you're getting lost; yours is lost and --

18 MS. CANO: Sorry.

19 MAYOR STACK: -- his is lost.

20 MS. CANO: I'll speak slower.

21 MS. DILLON: Your -- your voice is soft.

22 So that was --

23 MS. CANO: Okay.

24 MS. DILLON: -- my only concern. That
25 you're closer --

1 MAYOR STACK: Sure.

2 MS. DILLON: -- to the mic.

3 MS. CANO: Okay.

4 MS. DILLON: That's fine.

5 MS. CANO: All right.

6 So last time we spoke I think there was a
7 misunderstanding.

8 When we expressed how we felt about the
9 Ordinance we spoke about it effecting our
10 businesses. Maybe I wasn't -- I wasn't clear.
11 Safety is very important to us as business
12 owners. If you can see how much we pay for
13 insurance you'll understand that we wouldn't want
14 anything to happen in our locations. So safety
15 is already part of our job on a day-to-day basis.

16 What we argued is the fact that politics
17 are altering -- are trying to tell us how to
18 work; they're -- they're trying to alter the
19 product.

20 I know it makes no sense to someone that is
21 not a business owner. It's a simple beer bottle.
22 How much can that affect your business? A lot.
23 A lot, especially for everyone that's standing
24 here.

25 And I just -- I want to -- I want to invite

1 everyone that's here to please stand up just to
2 show the Board --

3 We're not here to argue with you guys.
4 We're not here to tell you that the Ordinance is
5 wrong. It's not wrong. It wasn't done with us,
6 the business owners.

7 Where is the conversation between you and
8 us? We pay the taxes. We're here investing in
9 the town. We are providing jobs. We are
10 providing a good environment. There are
11 exceptions; we shouldn't pay for those
12 exceptions.

13 I want to show the Board and the Mayor and
14 the Police Department everyone that is willing to
15 work together.

16 (Whereupon, Karen Cano addressed the
17 audience in Spanish.)

18 MS. CANO: We want to work together with
19 the town. We don't want to work against anyone.
20 We want to be part of the Board. We want to know
21 whenever you're going to do something that might
22 effect us just a little bit, come to us. Come to
23 us. Research with us.

24 Hey, Karen, -- hey, Karen, I have this
25 thing, I want to do -- I -- I want to talk about

1 safety.

2 Come to my location. I invite you, Mr.
3 Mayor, to come and sit down in my location. Have
4 dinner. See what we offer.

5 These are the people from your town, too.
6 They may not be residents but they are business
7 owners. We are paying taxes. Your residents
8 wake up, they go to work, they're gone all day
9 and they come back at night to sleep. Everyone
10 that you see here wakes up and goes to Union City
11 and stays there all day. And we work for the
12 town, so work with us.

13 That is all that I want you to understand.
14 We are -- we are not the enemy. Altering a
15 product --

16 Gracias. (Spanish was spoken.)

17 We -- we don't think it's okay for you to
18 alter a product because nowadays, my generation,
19 social media, it's not word of mouth anymore,
20 it's ratings, it's this.

21 You can't compare us to a stadium. It's
22 out of the question. There's no such thing as
23 that in Union City. These are family-owned small
24 businesses.

25 Um -- I lost my train of thought. Sorry.

1 You can't compare us to stadiums. We -- we
2 -- we just want to work together. We want --

3 Sorry; I lost my train of thought
4 completely.

5 I guess this is a lot for me. It means a
6 lot to me.

7 In my generation customer experience is
8 everything. You may think not but I don't think
9 any of you here will go to any restaurant at ten
10 o'clock at night and drink from -- from a plastic
11 cup. It's just not classy. It's just not what
12 we want to offer to our clients.

13 We want a good experience. We want people
14 to come and -- and, sounds terrible, but just
15 spend their money here in Union City. Come back;
16 enjoy what we have created.

17 With this one Ordinance it -- it's up to
18 you guys, we know already that whatever we say is
19 not going to change your decisions. But if we
20 allow this Ordinance to go by, just like every
21 other ordinance --

22 And I want to go back to the ordinance that
23 Mr. -- Mr. Stack said last time, that it -- it
24 wasn't a big deal anymore the -- the hour change.
25 When we gathered, it effected everyone. Everyone

1 here. All the business owners.

2 So it may not be a big deal but it is.
3 It's an hour less of business. Money that can go
4 into making -- making locations look better,
5 getting better employees, working on safety
6 issues, a lot of things. That's that hour that
7 was taken off.

8 Again with this Ordinance, we're in the
9 same position. If we -- if we don't do anything
10 about this everything is just going to -- every
11 time there's always going to be an ordinance
12 that's just going to change and change the way we
13 do business. And we want to end that.

14 We want to work with the town. We want to
15 know how can we be a part of the civil -- civic
16 association. How can we be part of a Board in
17 which the town is with us.

18 So now, what question do you have for us?

19 What are your concerns with business
20 owners?

21 I'm willing to answer any question you
22 have.

23 MAYOR STACK: Right.

24 MS. CANO: They can help me answer --

25 MAYOR STACK: First --

1 MS. CANO: -- any question.

2 MAYOR STACK: First, -- first, glasses are
3 not banned. Only the bottles. But no glasses
4 are banned. That's first.

5 Second, when you say that there's been no
6 conversation, the way it works in municipal
7 government is there's an ordinance introduced and
8 then there's a hearing.

9 We had that hearing. We listened to what
10 the comments were. We can go back and listen to
11 the hearing; we can check the record. And the
12 main thing spoken -- and there was no
13 misunderstanding -- was the size of the bottle.

14 It doesn't matter if you live in Union City
15 or you don't live in Union City. The businesses
16 have always been included in the conversation in
17 Union City.

18 MS. CANO: I disagree.

19 MAYOR STACK: And you have that right to do
20 that.

21 Karen, when you were opening up your
22 business, you came to my office, I assisted you
23 to make sure we got your business open.

24 MS. CANO: Okay.

25 MAYOR STACK: Since we -- since we

1 introduced this Ordinance never once have you
2 approached me and said, Brian, can I come in and
3 talk to you about this?

4 MS. CANO: Well it wouldn't be possible. I
5 know you wouldn't want to speak about it, Mr.
6 Mayor.

7 MAYOR STACK: Oh I would. No, I would.

8 MS. CANO: Absolutely not.

9 MAYOR STACK: I would. I --

10 Let -- I didn't interrupt you. Please
11 don't --

12 MS. CANO: I'll let you finish. I'm sorry.

13 MAYOR STACK: -- interrupt me.

14 I see, on average, 500 residents a week.
15 Personally. I get about 300 phone calls a day.
16 There's people in this room who have come to see
17 me. Three-quarters of this room has been in to
18 see me at one time or another; I've never turned
19 anybody away.

20 There's no politics behind the Ordinance.
21 We're not out to hurt anybody. This is done for
22 your safety, as well as your patrons. This is --
23 this is strongly recommended by the Police
24 Department as an added protective measure for the
25 -- not only for you but for the community.

1 As for businesses in Union City, we
2 frequent the business on a constant basis.

3 In fact, Karen, you may not realize it --

4 MS. CANO: I've never seen you there.

5 MAYOR STACK: -- but Mercedes, my fiancée,
6 gets takeout and orders food from you all the
7 time.

8 MS. CANO: I've never seen you there, --

9 MAYOR STACK: Right.

10 MS. CANO: -- Mr. Mayor.

11 MAYOR STACK: Well, I put -- I'm usually in
12 City Hall from about seven in the morning until
13 probably about ten, 11 o'clock at night seven
14 days a week.

15 As for working with the businesses, I've
16 always extended my hand to every business owner
17 in the community.

18 In fact, anything that's mailed out to a
19 resident of Union City, is mailed to you. Tell
20 me what other community in New Jersey does that?

21 In other municipalities this Ordinance
22 would have been adopted and you would have found
23 out about it when it was enforced by the Police
24 Department.

25 MS. CANO: Mr. Mayor?

1 MAYOR STACK: And we've always done that.

2 COMMISSIONER FERNANDEZ: In fact, --

3 MAYOR STACK: And everybody who owns a
4 business --

5 MS. CANO: Well, --

6 Mr. Mayor?

7 COMMISSIONER FERNANDEZ: In fact, this
8 meeting would have been done at ten o'clock in
9 the morning, 12 o'clock in the afternoon.

10 MS. CANO: I understand. I understand.

11 MAYOR STACK: We --

12 MS. CANO: But that's why -- but that's
13 why --

14 MAYOR STACK: Just --

15 MS. CANO: -- we're here, --

16 MAYOR STACK: Just let --

17 MS. CANO: -- Mr. Mayor.

18 MAYOR STACK: Just let us finish, Karen.
19 Let us finish.

20 When it comes to public safety in Union
21 City, we're going to take the steps that are
22 necessary to protect the public-at-large,
23 including every single one of you.

24 And I know how hard you work.

25 And for those of you that I -- I know in

1 the room, we have a good relationship. It's
2 about protecting everybody in the public.

3 As to myself, if you serve me in a glass or
4 a paper cup, to me, it wouldn't matter to me.

5 MS. CANO: Mr. Mayor, the reason why we're
6 here today is I am telling you and the Board
7 business owners don't feel included.

8 I'm sorry. I'm sorry. Not business
9 owners. Liquor license business owners. That
10 makes a whole difference.

11 Right?

12 COMMISSIONER VALDIVIA: Can I make a
13 comment?

14 MS. CANO: Absolutely.

15 COMMISSIONER VALDIVIA: At the last meeting
16 you and other people came up and they spoke about
17 you don't want to serve a sangria in a plastic
18 cup. And I told that with the Mayor when we went
19 on the side.

20 The other issue was the pint -- the pint of
21 whiskey, vodka, or -- Bacardi -- whatever you
22 sell, was going to hurt your business if it
23 didn't go down to 12 ounces.

24 And I spoke to the Mayor and he -- I
25 believe I had some influence in, --

1 MAYOR STACK: You did. You did.

2 COMMISSIONER VALDIVIA: -- you know, in --
3 in doing that. I said you're really going to
4 hurt them because there are people that they
5 order a small bottle. And you're going to hurt
6 them if they -- they're unable to do that.

7 And you'll still be able to sell a bigger
8 bottle. You could always sell a bigger bottle.

9 So he did listen to what -- your
10 business --

11 MS. CANO: Absolutely. And -- and -- and
12 we're very thankful for that. And -- and we --
13 we've expressed -- we -- we've expressed that
14 already.

15 COMMISSIONER VALDIVIA: Even a glass a
16 wine. Nobody wants them in a plastic cup --

17 MS. CANO: Absolutely.

18 COMMISSIONER VALDIVIA: -- with a -- with
19 a --

20 MS. CANO: Nobody wants --

21 Okay. Because you said that. What
22 guarantees do we have that if you pass this
23 Ordinance today you won't pass another ordinance
24 anytime soon saying that glassware is also
25 dangerous?

1 MAYOR STACK: It's not our intention. The
2 Ordinance is what it is.

3 MS. CANO: Is there a guarantee?

4 MAYOR STACK: No, the Ordinance is what it
5 is.

6 MS. CANO: Absolutely. But that wasn't
7 clear in the first one; it's clear now.

8 MAYOR STACK: It's very clear.

9 MS. CANO: So I don't want it to be a
10 misunderstanding.

11 MAYOR STACK: No.

12 Karen, the business owners should be here
13 tonight to say, listen, you changed the Ordinance
14 -- and we did. There's no glass -- there's no
15 glasses included here, whether it be a glass of
16 wine or, as Commissioner Valdivia just said, a
17 glass of sangria. It should be how we can work
18 together on this?

19 MS. CANO: Well -- well that's why we're
20 here.

21 MAYOR STACK: The Board --

22 MS. CANO: We have no option.

23 MAYOR STACK: The Board listened --

24 MS. CANO: What we're saying has no option.

25 MAYOR STACK: Right.

1 The Board --

2 MS. CANO: Whatever we're saying is coming
3 in one side is leaving the other, all right?

4 MAYOR STACK: Well, that's not -- that's
5 not the way we do things. Believe me.

6 MS. CANO: The --

7 MAYOR STACK: We don't -- we don't move a
8 hundred percent of our -- our Commission meetings
9 around the City, we don't advertise the
10 Commission meetings the way we do --

11 MS. CANO: But we're asking --

12 MAYOR STACK: -- to let it go --

13 MS. CANO: We would love it.

14 MAYOR STACK: -- in one ear and out the
15 other.

16 MS. CANO: We would love to have someone
17 with -- with -- with the Board, working with you.
18 A business owner. It doesn't have to be me. It
19 can be the Chamber of Commerce.

20 Work with us before making decisions. That
21 would make the town such -- even better than what
22 it is today. It -- it would set you aside from
23 everyone else and it --

24 I'm -- I'm not saying this a
25 recommendation; we want to be happy. It doesn't

1 matter if the other town doesn't do it. I'm not
2 investing my money in another town.

3 MAYOR STACK: Right.

4 MS. CANO: I'm investing my money in Union
5 City.

6 So if Union City would focus on working
7 together with Commerce, that is all we're asking
8 for --

9 MAYOR STACK: And --

10 MS. CANO: -- because they don't --

11 MAYOR STACK: And --

12 MS. CANO: -- feel like they are.

13 MAYOR STACK: And -- and why --

14 Just, everyone, if I could have everybody's
15 attention please in the back?

16 The Police Department met with many
17 individuals who wanted this to be more of a
18 citywide thing, not penalizing one establishment
19 over the other. And we've even took that into
20 consideration.

21 MS. CANO: What's the difference --

22 MAYOR STACK: And when -- when there's City
23 services that are provided in Union City,
24 whatever that service may be, --

25 MS. CANO: I'm sorry, Mr. --

1 MAYOR STACK: -- we never skipped over a
2 liquor establishment in the community.

3 Look at the sidewalks. Look at the streets
4 that have been paved in this community. That all
5 benefits your business. Bright street lights.

6 MS. CANO: That's -- that's different.

7 MAYOR STACK: It's not different.

8 MS. CANO: It's very --

9 MAYOR STACK: When it comes to snow removal
10 on Bergenline Avenue or in the business area,
11 Summit Avenue, we not only go -- we not only go
12 and make sure the street is plowed, we remove the
13 snow for the business owners. That's all done
14 for you.

15 Predominantly from 49th to 2nd on
16 Bergenline, 32nd Street, and also on Summit Avenue
17 from 32 to 5. I don't think you'll find many
18 municipalities that go out of their way to make
19 sure the next morning after a storm your business
20 is up and operational.

21 Probably not this year, -- hopefully we
22 won't get anymore snow -- but I challenge you go
23 talk to your friends who own businesses in other
24 communities and see if you get the services that
25 we receive in Union City.

1 MS. CANO: I just have one last question
2 because, obviously, that has nothing to do with
3 it.

4 But, Mr. Mayor, what's the difference
5 between us -- tavern/restaurant/bar owners -- and
6 liquor stores?

7 If -- if a 12-ounce bottle is very
8 dangerous, are they allowed to sell it?

9 The difference from what I see in the
10 Ordinance is that it's opened. But in reality,
11 in regards to violence, what is the difference
12 between buying a bottle at the liquor store?

13 If -- if we can't sell it, I don't think
14 it's fair that they can go to a -- a liquor store
15 and buy it.

16 MAYOR STACK: Because, I think, --

17 Lieutenant? You want to answer this
18 Lieutenant? I -- you want to answer this
19 question?

20 LIEUTENANT LOACES: Yes, sir.

21 MAYOR STACK: Karen's question was why is
22 it any different if they can go to a liquor store
23 and buy a -- any bottle, right? A 12-ounce
24 bottle? Any bottle?

25 MS. CANO: Yeah, like -- we want to know

1 | what's the difference. Because it's effecting
2 | our businesses.

3 | If it's effecting everyone as a whole, then
4 | -- then the liquor store owners should be here as
5 | well.

6 | LIEUTENANT LOACES: Well, the reason we
7 | came up with the hours that we did, because we
8 | didn't want to negatively impact anyone who want
9 | -- might want to have dinner with a cocktail or
10 | glass of wine or -- or a beer.

11 | That's why those are the hours for the
12 | Ordinance as written now.

13 | The difference is once a person enters a
14 | liquor license establishment with the intent to
15 | consume that beer on the premise, more often than
16 | not they have more than just one beer. Which, as
17 | the gentleman already had pointed out, may lead
18 | to the alcohol-related violence he spoke of.

19 | While the person who goes to the liquor
20 | store and picks up a six-pack, more often than
21 | not, is going to take it to have the six-pack and
22 | consume it at their home or someone else's home,
23 | among friends, among family. Not among strangers
24 | in a restaurant or bar where the chances for a
25 | confrontation are much, much higher.

1 MS. CANO: All right.

2 MAYOR STACK: You have anything else,
3 Karen?

4 MS. CANO: No.

5 MAYOR STACK: Okay.

6 Anyone else wishing to comment --

7 MS. CANO: Thank you.

8 MAYOR STACK: -- at this time?

9 Okay, again -- once again everyone, this is
10 just in relationship to bottles.

11 And the exact ounces, John, are 12?

12 LIEUTENANT LOACES: Yes.

13 MAYOR STACK: Twelve ounces. Okay.

14 Anyone -- anyone further wishing to comment
15 at this time?

16 MS. DILLON: Hi.

17 MS. GUTIERREZ: Hi.

18 MS. DILLON: Your name?

19 MS. GUTIERREZ: Maria Gutierrez.

20 MS. DILLON: And your address?

21 MS. GUTIERREZ: 328 32nd Street.

22 MS. DILLON: I'm sorry?

23 MS. GUTIERREZ: 328 32nd Street.

24 MS. DILLON: Thank you.

25 MS. GUTIERREZ: Well, again, it's for the

1 safety of everyone but I think a glass of wine is
2 as dangerous as a bottle of beer. It's -- or a
3 knife on my dinner table is as dangerous as the
4 bottle or glass.

5 So, I guess we all going to have to agree
6 to this bottle Ordinance. But what's going to
7 happen in a couple years when they research again
8 and they say well glasses are as dangerous as a
9 bottle of beer and then we're prohibited from
10 that again.

11 MAYOR STACK: Maria, I don't want to
12 interrupt you but it wasn't just research; it was
13 actual acts of violence in the -- that we put
14 into the record.

15 This is real life in Union City happening.

16 MS. GUTIERREZ: It could still happen with
17 a glass of wine. That's my concern. It could
18 still happen. We're not prohibiting --

19 Like we're -- prohibiting the glass of --
20 the -- the bottle of glass, it's not preventing
21 this from happening because I'm still serving my
22 wine on a glass.

23 So how do we know that in a couple years,
24 when incidents went from a bottle to a glass,
25 we're not going to be prohibited from it?

1 MAYOR STACK: But, Maria, we're dealing
2 with today on this Ordinance here.

3 MS. GUTIERREZ: I understand.

4 MAYOR STACK: We have no plans for any
5 other ordinance saying --

6 MS. GUTIERREZ: I understand.

7 And it's what Karen said before, when the
8 Ordinance of the two to the three p.m. -- a.m.
9 happened, it affected everybody.

10 I was not in business back then but I hear
11 business owners how much it effected them.

12 So, obviously, we'll probably survive the
13 bottle thing. But then if in a couple years you
14 take away the glass of wine, the glass of
15 sangria, every time it's less and less and less
16 money up to a point where we're not going to be
17 able to be in business anymore.

18 MAYOR STACK: Right.

19 Karen, -- Anna, -- Maria, let me just say
20 something to you.

21 Since we did -- since we did the Ordinance
22 changing the hour back, -- and I got to say
23 something because I'm a very honest person --
24 it's probably the best thing we did in Union City
25 for quality of life by reducing that hour.

1 It came down to people's peace and quiet.
2 I mean you could smile and you could -- you could
3 -- you could smirk at it. But you know what,
4 when it came down to a child getting a good
5 night's sleep that lives in that neighborhood and
6 stopping a fistfight outside that location or a
7 stabbing or a shooting, it meant a big difference
8 to Union City at that time.

9 You could talk to anybody who lives in the
10 City. Where we were getting people probably that
11 were the most intoxicated coming in because some
12 towns around us closed at two and we were getting
13 the overflow coming in when they were intoxicated
14 from two to three o'clock.

15 So I'm very proud of that Ordinance and we
16 stand firmly behind that, on behalf of the
17 Commissioners and myself.

18 MS. GUTIERREZ: We -- we survived it. That
19 -- that's my point. But --

20 MAYOR STACK: Well you weren't a business
21 owner at the time.

22 MS. GUTIERREZ: I know. But that's --
23 that's what I'm saying, --

24 MAYOR STACK: Right.

25 MS. GUTIERREZ: -- every time there's

1 something new and I have --

2 MAYOR STACK: Since then the only thing
3 we've done is this Ordinance.

4 MS. GUTIERREZ: Okay.

5 I have no idea how many years have passed.
6 But let's say I have a 15 year lease on my
7 establishment. I plan to stay 15 years, if not
8 more.

9 MAYOR STACK: Sure.

10 MS. GUTIERREZ: Hopefully I will and leave
11 it to my daughter as Karen said. If it -- my
12 business will be a family-owned business, which I
13 want my family to be part of it. So how do I
14 know that I would keep investing my money because
15 at the end of the day I could invest our money on
16 something else and just move forward.

17 I -- this is not the only business I have.
18 I have five different businesses; none of them
19 related one with each other. So I could invest
20 my money into something else and just sell this
21 and forget about liquor and that's it; just move
22 forward.

23 But then I see potential, especially my
24 location. I'm right at the entrance of Union
25 City from three different avenues.

1 I've spent so much money in that building,
2 you have no idea, and I'm constantly doing it.
3 I'm constantly changing items in my -- in my
4 business to attract people. Not only from Union
5 City but from other towns.

6 So, as I said, my establishment, I serve
7 food until one a.m. So you can come and have
8 late dinner, which everyone here once in a while
9 does. Not going to say every day. I only do it
10 on Thursday, Fridays and Saturdays; three nights
11 a week.

12 So if you come at 11, which is maybe for
13 Hispanics an okay time to have dinner. Maybe not
14 for a lot of people but for Hispanics, which is
15 the majority of my clientele, it's okay to have
16 dinner at 11 p.m.

17 MAYOR STACK: I do, too. That's what time
18 I leave City Hall.

19 MS. GUTIERREZ: Exactly. We -- we're
20 working people. Sometimes it's 11 and I haven't
21 even had lunch. So I don't want to be served on
22 a glass -- on a -- on -- on a paper cup or a
23 plastic cup.

24 So, -- and I told you before, I've -- I've
25 tried serving in plastic cups, like Lobby or the

1 other --

2 What was the name? The -- the Elizabeth
3 place?

4 A VOICE: BarCode.

5 MS. GUTIERREZ: I forgot the name.

6 A VOICE: BarCode.

7 MS. GUTIERREZ: BarCode.

8 I tried it and I've heard complaints. I
9 had to go back to using my regular glassware.

10 So that's my concern. That I'm investing
11 money into something that I have faith in and I
12 don't want, down the road, to stumble in -- into
13 something like this just because I believe a
14 glass of wine is as dangerous as a bottle.

15 So right now we're dealing with the bottle.
16 But the in a couple years, we're going to go back
17 to it and it's going to be the glass.

18 MAYOR STACK: Thank you.

19 Anyone else wishing to comment at this
20 time?

21 MR. SCHUBERT: Okay.

22 MR. MARTINEZ: Wilfredo Martinez.

23 THE INTERPRETER: Oh, Wilfredo Martinez.

24 MS. DILLON: And your address?

25 MR. MARTINEZ: (In English) 49 -- 4709

1 Bergenline Avenue.

2 MS. DILLON: Okay.

3 Thank you.

4 MR. MARTINEZ: (In English) Okay.

5 Okay.

6 THE INTERPRETER: Last time we were here my
7 question remains the same.

8 MR. MARTINEZ: (In English) Three seventy-
9 five bottles is the same 12 ounces.

10 LIEUTENANT LOACES: Mayor, may I address
11 that?

12 THE INTERPRETER: No, size.

13 MAYOR STACK: Yeah, please.

14 LIEUTENANT LOACES: Three hundred and
15 seventy-five milliliters --

16 MR. MARTINEZ: Um-hum.

17 LIEUTENANT LOACES: -- is not 12 ounces.

18 MAYOR STACK: It's not 12 ounces, no.

19 MS. GUTIERREZ: But it's four less. It's
20 three fifty --

21 MS. DILLON: You can't speak from there.
22 Please.

23 MS. GUTIERREZ: -- (indiscernible) --

24 MAYOR STACK: You want to address this,
25 John?

1 LIEUTENANT LOACES: Well, I -- I will
2 actually, if you'll allow me, I will actually
3 Google it --

4 MAYOR STACK: Okay.

5 LIEUTENANT LOACES: -- and I'll give you
6 the exact amount.

7 A VOICE: We all are.

8 LIEUTENANT LOACES: I don't want to speak
9 out of place.

10 MR. MARTINEZ: (In English) Okay.
11 Because --

12 SERGEANT DUNLAY: Twelve point six eight.

13 COMMISSIONER VALDIVIA: Misunderstanding --

14 A VOICE: Twelve point six eight.

15 MAYOR STACK: What was it?

16 SERGEANT DUNLAY: Twelve point six eight
17 ounces.

18 LIEUTENANT LOACES: So it's actually
19 permitted.

20 MAYOR STACK: It's permitted.

21 MR. MARTINEZ: (In English) Okay. Okay.
22 Okay.

23 THE INTERPRETER: That was my question,
24 thank you.

25 MAYOR STACK: Thank you.

1 Anyone else wishing to comment at this
2 time?

3 Anyone else wishing to comment at this
4 time?

5 So again, everyone, this just applies to
6 12-ounce bottles. Nothing larger. No glass.
7 You can still serve mixed drink in glasses. You
8 can still serve wine, sangria.

9 A VOICE: Can we serve beer in glasses,
10 too?

11 A VOICE: Sure.

12 MAYOR STACK: Yes.

13 LIEUTENANT LOACES: Yes.

14 MAYOR STACK: Yes you can. Yes.

15 The question was if beer can still be
16 served in a glass and the answer was yes you can.

17 MS. CANO: Oh, I do have --

18 MAYOR STACK: Can you translate that, sir?

19 MS. CANO: -- I do have one question.

20 MAYOR STACK: Sir? Can you translate that?

21 MR. SCHUBERT: I did.

22 MAYOR STACK: Just --

23 MR. SCHUBERT: You said that twice, I -- I
24 did.

25 MAYOR STACK: Okay.

1 MS. CANO: I'm sorry, I do have one --
2 Do I have to say my name again?

3 MS. DILLON: I have it.

4 MS. CANO: Okay, thanks.

5 One -- one last question. A lot of
6 businesses sell buckets. The buckets are
7 delivered to the table unopened. The customer
8 obviously opens it themselves.

9 But it's still not acceptable? Still
10 acceptable? No?

11 MAYOR STACK: John?

12 Lieutenant Loaces can better answer that.
13 Just if you could keep your voice up?

14 LIEUTENANT LOACES: Absolutely.

15 The -- the actual bucket that I believe
16 Karen is mentioning is the cubetazo, --

17 MS. CANO: Cubetazos.

18 LIEUTENANT LOACES: -- which comes with
19 either five, six beers. That would actually be
20 prohibited under this Ordinance.

21 Which I think serves another purpose, maybe
22 an unrelated purpose, but over-service, over-
23 drinking. Because now I can walk up to the
24 bartender and get a bucket of beer with five or
25 six beers and it's hard for the licensee, the

1 manager or the person behind the bar, to keep
2 track of how many beers that gentleman had.

3 MS. CANO: Lieutenant, let me answer your
4 question.

5 So, un cubetazo -- and again, I'm going to
6 go -- again with the experience -- is cultural.

7 (Spanish was spoken.)

8 A group of friends sit in a table and they
9 share. Just like if you go to an American place
10 and you order a giraffe. People sit down, they
11 communicate with each other, they have a good
12 time, and they order a bucket only because it's
13 less expensive.

14 I don't think any business owner in their
15 right mind sells one bucket per customer.

16 LIEUTENANT LOACES: Well in my experience,
17 Karen, with all due respect, -- I don't know your
18 last name -- that's my experience, where three
19 men get three buckets. That's my experience.

20 MR. AUTERI: Can -- I'd also like to add --

21 MS. CANO: I just wanted to answer that
22 from --

23 MR. AUTERI: -- for the record, just if
24 you'd like --

25 And this is just an alternative and this is

1 something that is not prohibited in the
2 Ordinance.

3 I think we said last time the use of --
4 like MetLife Stadium -- plastic bottles, which
5 they sell. If you'd like to put them in, you
6 know, into a bucket and put some ice, that's not
7 prohibited --

8 A VOICE: Also, aluminum.

9 MR. AUTERI: -- under the Ordinance.

10 MR. FARMER: If I might?

11 MR. AUTERI: Aluminum, too.

12 Thank you.

13 MR. FARMER: This is already answered in
14 the Ordinance. What it says is service of
15 alcohol beverages in open glass bottles designed
16 for 12 -- to hold 12 ounces or less, between the
17 hours of 9:30 and two a.m. At ten p.m. all
18 previously served glass bottles must be removed
19 from the table and the bar area.

20 What are we talking about?

21 MAYOR STACK: Okay.

22 COMMISSIONER VALDIVIA: What it's saying is
23 they could do it up until 9:30.

24 MAYOR STACK: Okay, anyone further wishing
25 to comment on this Ordinance?

1 Everybody understands the clarity of it on
2 the 12-ounce bottle?

3 At this time I would just like to thank all
4 of you for coming this evening.

5 Please, as -- as most of you know, if not
6 everyone knows, anytime I could be of assistance,
7 don't hesitate -- or the Commissioners, anytime
8 whatsoever.

9 Everyone has my cell phone number. Don't
10 hesitate to reach out any time whatsoever.

11 And one last call, anyone wishing to
12 comment --

13 MS. CANO: When -- when's the final
14 verdict?

15 MAYOR STACK: -- any further, please step
16 forward.

17 Okay.

18 Thank you very much everyone.

19 I'll make a motion.

20 CITY CLERK: A motion to close public
21 comment made by Mayor Stack.

22 COMMISSIONER RIVAS: Second.

23 CITY CLERK: Second by Commissioner Rivas.
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.
9 CITY CLERK: May I have a motion to adopt?
10 MAYOR STACK: Motion.
11 COMMISSIONER MARTINETTI: Second.
12 COMMISSIONER FERNANDEZ: Second.
13 CITY CLERK: Motion made by Mayor Stack.
14 COMMISSIONER FERNANDEZ: Second.
15 CITY CLERK: Second by Commissioner
16 Martinetti.
17 Commissioner Fernandez?
18 COMMISSIONER FERNANDEZ: Yes.
19 CITY CLERK: Commissioner Rivas?
20 COMMISSIONER RIVAS: Yes.
21 CITY CLERK: Commissioner Valdivia?
22 COMMISSIONER VALDIVIA: Yes.
23 CITY CLERK: Commissioner Martinetti?
24 COMMISSIONER MARTINETTI: Yes.
25 CITY CLERK: Mayor Stack?

1 MAYOR STACK: Yes.

2

3

* * *

4

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

6

7 CITY CLERK: Mayor, at this time would you
8 like to take public comment on any
9 item concerning government in the City of Union
10 City?

11 MAYOR STACK: Sure.

12 Anyone else wishing to comment on this --
13 at this time on any matter concerning municipal
14 government in the City of Union City, please step
15 forward, state your name and address for the
16 record.

17 COMMISSIONER RIVAS: Seeing none.

18 COMMISSIONER FERNANDEZ: Seeing none.

19 A CITIZEN: I have a question before we
20 leave.

21 MAYOR STACK: Sure. Sure. Come right up.

22 Sir?

23 COMMISSIONER FERNANDEZ: Quiet, everyone,
24 please. Quiet.

25 MAYOR STACK: John?

1 COMMISSIONER FERNANDEZ: Quiet.

2 A CITIZEN: Can we -- can we --

3 COMMISSIONER FERNANDEZ: Ladies and
4 gentlemen, please, quiet.

5 A CITIZEN: Can we order or buy the bottles
6 of 12 ounces but just not serve them to the
7 public?

8 MAYOR STACK: Yeah, absolutely.

9 MR. FARMER: Yeah.

10 LIEUTENANT LOACES: Absolutely.

11 MAYOR STACK: You want to just put this on
12 the record?

13 He just asked a good question.

14 LIEUTENANT LOACES: Sure. Very good.

15 MAYOR STACK: Just say that to everybody.

16 Everyone? If I could just have everyone's
17 attention.

18 A question was asked, which may be helpful
19 to everyone here.

20 LIEUTENANT LOACES: Create -- ask the
21 question again.

22 A CITIZEN: The bottles of 12-ounce we can
23 order them but just we can't serve them to the
24 public?

25 MAYOR STACK: Yes.

1 A VOICE: After ten o'clock.

2 MAYOR STACK: John?

3 LIEUTENANT LOACES: Exactly.

4 A CITIZEN: But before 10 we can?

5 MR. FARMER: Yes.

6 LIEUTENANT LOACES: Exactly.

7 A CITIZEN: And when does this law start?

8 CITY CLERK: Thirty days.

9 MAYOR STACK: Thirty days from now.

10 I -- I think what would be helpful at that
11 time is a letter will go out from Chief Molinari
12 and Lieutenant Loaces just advising everyone of
13 the exact date that the law starts -- the
14 Ordinance begins.

15 Right, John, --

16 LIEUTENANT LOACES: Yes, sir.

17 MAYOR STACK: -- you'll do that?

18 LIEUTENANT LOACES: Absolutely, sir.

19 MS. CANO: Mr. Mayor?

20 MAYOR STACK: Just -- just one second.

21 MS. DILLON: Wait.

22 MAYOR STACK: We just have --

23 Go ahead, John.

24 LIEUTENANT LOACES: To answer his question,
25 this Ordinance does not tell you as the licensee

1 | what kind of beer you have to buy, in what
2 | container it comes in. You can continue to buy
3 | the same beer from the same distributor in the
4 | same bottle. That does not change.

5 | The only thing that changes is when that
6 | bottle becomes a weapon by handing it to the
7 | customer.

8 | So you may continue to buy the exact same
9 | 12-ounce bottle of Corona and merely open it and
10 | pour it into some container, even a glass
11 | container, and hand that to the customer as
12 | opposed to the bottle.

13 | MAYOR STACK: And, John, just --

14 | And John? And they could serve -- they
15 | could serve in the bottle up until?

16 | You want to give the timing again? Just go
17 | over that again?

18 | (Whereupon, Lieutenant Loaces addressed the
19 | audience in Spanish.)

20 | MAYOR STACK: And, John, --

21 | MR. FARMER: For the record, say it in
22 | English.

23 | MAYOR STACK: -- and, John, just --
24 | Commissioner Valdivia?

25 | COMMISSIONER VALDIVIA: I got a question to

1 clarify that.

2 The cubetazo they can continue selling it
3 after 9:30 at night, right?

4 LIEUTENANT LOACES: Si -- yes.

5 MAYOR STACK: John, you want to clear that
6 up?

7 LIEUTENANT LOACES: Yes.

8 COMMISSIONER VALDIVIA: Please tell them
9 that.

10 LIEUTENANT LOACES: The Commissioner just
11 asked as far as selling the cubetazo, the bucket
12 of beer, up to 9:30. Yes, you can continue to do
13 that. Same thing.

14 However, come ten o'clock, whatever glass
15 bottles are still in that bucket, must be removed
16 and poured into some kind of container other than
17 the glass bottle.

18 MAYOR STACK: Any other questions?

19 (Whereupon, there were multiple speakers.)

20 MR. MIRANDA: This only pertains --

21 CITY CLERK: You have --

22 MR. MIRANDA: -- to beer.

23 CITY CLERK: -- you have to come --

24 MR. MIRANDA: Not a bottle of Coke. Not a
25 Snapple. Not --

1 A CITIZEN: That's a good question. That's
2 a great question.

3 MAYOR STACK: John?

4 MS. DILLON: Please come up.

5 MAYOR STACK: Oh my God, man.

6 LIEUTENANT LOACES: This --

7 MAYOR STACK: Twelve ounce bottles below,
8 right? All 12-ounce bottles and below?

9 LIEUTENANT LOACES: Yes.

10 MAYOR STACK: You want to clear that up?

11 LIEUTENANT LOACES: Is beer or -- or --

12 MR. FARMER: Well, --

13 MS. CANO: It would only be the sale of
14 alcohol --

15 MR. FARMER: I think --

16 MS. DILLON: And his question's not on the
17 record.

18 LIEUTENANT LOACES: Okay.

19 MS. DILLON: Either repeat it or --

20 LIEUTENANT LOACES: Okay.

21 MS. DILLON: He really should --

22 LIEUTENANT LOACES: Can the gentleman step
23 up here so the -- your question can be on the
24 record?

25 (Whereupon, there are multiple speakers.)

1 MR. AUTERI: It's alcoholic beverages.

2 It's not going to be soda or --

3 COMMISSIONER VALDIVIA: The attorney would
4 answer that.

5 MAYOR STACK: What?

6 LIEUTENANT LOACES: The way you wrote it,
7 is it all bottles? I think what my understanding
8 would be it's only the beer bottle.

9 MR. FARMER: I think --

10 MR. MIRANDA: Good evening. Guido Miranda.

11 MAYOR STACK: What?

12 MR. AUTERI: It's only alcohol.

13 CITY CLERK: Only alcohol.

14 MR. AUTERI: Only alcohol.

15 MAYOR STACK: It's only alcohol. Only
16 alcoholic beverages.

17 LIEUTENANT LOACES: Correct.

18 MAYOR STACK: You could still sell a Coke
19 bottle or whatever it may be.

20 MR. MIRANDA: Anything else you need?

21 MS. DILLON: Well, could you state what
22 your question was for the record --

23 MR. MIRANDA: Yeah.

24 MS. DILLON: -- because you were too far
25 away.

1 MAYOR STACK: Just so it's -- just so it's
2 on the record.

3 MR. MIRANDA: Yes.

4 I have a restaurant and we serve lots of
5 Coke bottles and Snapples. And a lot of people
6 don't like it in plastic, so we do carry the --
7 the bottle of Cokes and the bottles of Snapples.

8 And I was wondering -- she said talking
9 about bottles, --

10 MAYOR STACK: No, you can still.

11 MR. MIRANDA: -- did that fall in it?

12 MAYOR STACK: Only alcoholic --

13 MR. MIRANDA: Okay.

14 MAYOR STACK: -- only alcohol.

15 MR. MIRANDA: Thank you. That's my
16 question.

17 MAYOR STACK: Any other questions?

18 Thank you very much, everyone. Have a good
19 evening.

20 Thank you.

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

23 COMMISSIONER RIVAS: Motion.

24 COMMISSIONER VALDIVIA: Motion.

25 CITY CLERK: Motion by Commissioner Rivas.

1 Second by Commissioner Valdivia.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 CITY CLERK: Commissioner Rivas?

5 COMMISSIONER RIVAS: Yes.

6 CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 CITY CLERK: Commissioner Martinetti?

9 Yes? Commissioner Martinetti?

10 COMMISSIONER MARTINETTI: Yes.

11 CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

13

14 **ADJOURNMENT:**

15

16 CITY CLERK: There are no other items on
17 the agenda.

18 COMMISSIONER RIVAS: Motion to adjourn.

19 CITY CLERK: May I have a --

20 Motion to adjourn made by --

21 COMMISSIONER FERNANDEZ: Motion.

22 CITY CLERK: -- Commissioner Rivas.

23 COMMISSIONER FERNANDEZ: Second.

24 CITY CLERK: Second by Commissioner

25 Fernandez.

1 All in favor?

2

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

4

5 MAYOR STACK: Thank you.

6 CITY CLERK: Thank you.

7 MAYOR STACK: John, thank you very much.

8

9 (Whereupon, the proceedings were concluded

10 at 8:47 p.m.)

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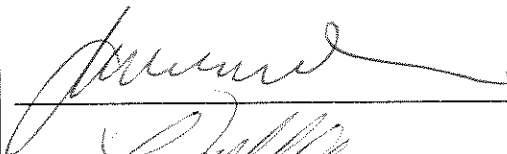
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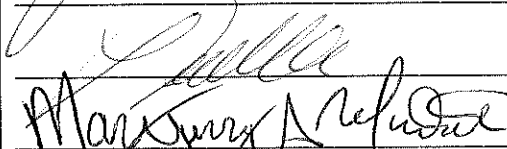
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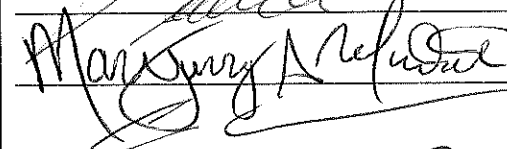
Brian P. Stack

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Lucio P. Fernandez

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Maryury A. Martinetti

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Celin J. Valdivia

5



Tilo E. Rivas

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Board of Commissioners

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Attest:



9

Erin M. Knoedler,

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City Clerk

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 heard on Tuesday, March 27, 2018 and digitally
10 recorded.

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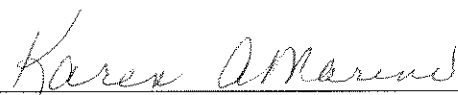
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Karen A. Marino

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25 Monitored and Proofread by: Deborah Dillon

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3/21/18
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Certified by the Supreme Court of New Jersey
as a Matrimonial Law Attorney

NOTICE

Dated: March 14, 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 12 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.

A hearing on this Ordinance will take place on **Tuesday, March 27, 2018 at 7:00 PM at William Musto Center, 420 15th Street, Union City, New Jersey.**

You are welcome to attend.

Very Truly Yours,

GREGORY T. FARMER

GTF/mj

EXY
3/27/18
DD

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE NO. _____**

**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 designed to hold 12 fluid ounces or less 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 designed to hold 12 fluid ounces or less 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 12 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 _____ 2018 and will be further considered after a Public Hearing held on _____ at _____ m.

INTRODUCED:

ADOPTED:

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 12 fluid ounces or less during the hours of 9:30 p.m. to 2:00 a.m. seven (7) days per week.