

ORIGINAL

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

REGULAR MEETING

TRANSCRIPT OF RECORDED

PROCEEDINGS

Sara M. Gilmore Academy
1600 Kerrigan Avenue
Union City, New Jersey

Tuesday, July 24, 2018
Commencing at 7:00 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
WENDY A. GRULLON, 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.
BY: PATRICK J. McNAMARA, ESQ.
Corporation Counsel

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

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

NEIL D. MAROTTA, ESQ.
Special Counsel

HEYER GRUEL & ASSOCIATES
BY: M. McKinley Mertz, PP, Planning Consultant

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1 CITY CLERK: Okay.

2 This is a Regular Public Meeting of the
3 Union City Board of Commissioners being held on
4 Tuesday, July 24th, 2018, at seven p.m., at the
5 Sara M. Gilmore Academy, 1600 Kerrigan Avenue,
6 Union City, New Jersey.

7 Please stand for the Pledge of Allegiance.

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

11

12 CITY CLERK: If we could remain standing
13 for a moment of silence in memory of the five
14 children who passed away on July 13.

15

16 (Whereupon, there was a moment of silence.)

17

18 CITY CLERK: Thank you.

19 This meeting has been called in accordance
20 with the Open Public Meetings Act.

21 Adequate notice of the meeting has been
22 provided to The Jersey Journal, The Record, The
23 Hudson Reporter, and been posted on the bulletin
24 board at City Hall and made available to the
25 public in the Office of the Municipal Clerk.

1

2 **ROLL CALL:**

3

4

CITY CLERK: Commissioner Fernandez?

5

COMMISSIONER FERNANDEZ: Here.

6

CITY CLERK: Commissioner Grullon?

7

COMMISSIONER GRULLON: Here.

8

CITY CLERK: Commissioner Valdivia?

9

COMMISSIONER VALDIVIA: Here.

10

CITY CLERK: Commissioner Martinetti?

11

COMMISSIONER MARTINETTI: Here.

12

CITY CLERK: Mayor Stack?

13

MAYOR STACK: Here.

14

15

(Whereupon, the Board discussed and took

16

action on the following item:

17

APPROVAL OF PREVIOUS MEETING MINUTES FROM MAY 18,

18

2018.)

19

20

CITY CLERK: The first item is the Approval

21

of the Meeting Minutes from May 18, 2018.

22

May I have a motion to approve?

23

COMMISSIONER FERNANDEZ: Motion.

24

MAYOR STACK: Motion.

25

CITY CLERK: Motion by Mayor Stack.

1 Second by Commissioner Fernandez.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 CITY CLERK: Commissioner Grullon?

5 COMMISSIONER GRULLON: Yes.

6 CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 CITY CLERK: Commissioner Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12

13

14 (Whereupon, the Board discussed and took
15 action on the following items in total:

16 **CONSENT AGENDA:**

17 (1) Resolution Approving the Payment of Claims

18 (2) Resolution Approving the Payment of
19 Concurring Claims

20 (3) Resolution Approving the Payment of Escrow
21 Refunds

22 (4) Resolution Approving the City Payroll for
23 the Period of July 7, 2018 through July 22, 2018

24 (5) Resolution Approving the Library Payroll
25 for the Period of July 7, 2018 through July 22,

1 2018

2 (6) Resolution Awarding a Contract to Stan's
3 Sporting Goods for the 2018 Football Equipment,
4 Supplies and Trophies

5 (7) Resolution Authorizing the City Clerk to
6 Advertise Bids for Garbage Bags

7 (8) Resolution Authorizing Assessor and Special
8 Counsel to Correct Errors in Tax Assessments,
9 Sign Stipulations to Correct Said Errors, Settle
10 Certain Appeals, and File Municipal Tax Appeals
11 on Behalf of the City of Union City for the
12 Period July 1, 2018 Through and Including June
13 30, 2019

14 (9) Resolution Authorizing the Acceptance of
15 the SFY2019 Union City Municipal Alliance Grant
16 Funding

17 (10) Resolution of the Board of Commissioners of
18 the City of Union City Approving the 2018-2019
19 Renewal of St. Joseph's Catholic Club (T/A St.
20 Joseph's Catholic Club), Liquor License No.
21 0910-31-217-001

22 (11) Resolution of the Board of Commissioners of
23 the City of Union City Approving the 2018-2019
24 Renewal of La Herradura Inc. (T/A La Herradura
25 Bar) Liquor License No. 0910-33-117-005

1 (12) Resolution of the Board of Commissioners of
2 the City of Union City Approving the 2018-2019
3 Renewal of La Placita Supermarket (T/A La Placita
4 Supermarket) Liquor License No. 0910-43-131-002.)
5

6 CITY CLERK: There are 12 items on the
7 Consent Agenda.

8 The first is a Resolution Approving the
9 Payment of Claims.

10 The second is a Resolution Approving the
11 Payment of Concurring Claims.

12 The third is a Resolution Approving the
13 Payment of Escrow Refunds.

14 The fourth is a Resolution Approving the
15 City Payroll for the Period of July 7th, 2018
16 through July 22nd, 2018.

17 The fifth is a Resolution Approving the
18 Library Payroll for the Period of July 7th, 2018
19 through July 22nd, 2018.

20 The sixth is a Resolution Awarding a
21 Contract to Stan's Sporting Goods for the 2018
22 Football Equipment, Supplies and Trophies.

23 The seventh is a Resolution Authorizing the
24 City Clerk to Advertise for Bids for Garbage
25 Bags.

1 The eighth is a Resolution Authorizing the
2 Assessor and Special Counsel to Correct Errors in
3 Tax Assessments, Sign Stipulations to Correct
4 Said Errors, Settle Certain Appeals, and File
5 Municipal Tax Appeals on Behalf of the City of
6 Union City for the Period of July 1st, 2018
7 through and including June 30th, 2019.

8 The ninth is a Resolution Authorizing the
9 Acceptance of the State Fiscal Year 2019 Union
10 City Municipal Alliance Grant Funding.

11 The tenth is a Resolution of the Board of
12 the Commissioners of the City of Union City
13 Approving the 2018-2019 Renewal of Saint Joseph's
14 Catholic Club, trading as Saint Joseph Catholic
15 Club, Liquor License Number 0910-31-217-001.

16 The eleventh is a Resolution of the Board
17 of Commissioners of the City of Union City
18 Approving the 2018-2019 Renewal of La Herradura
19 Incorporated, trading as La Herradura Bar, Liquor
20 License Number 0910-33-117-005.

21 The twelfth is a Resolution of the Board of
22 Commissioners of the City of Union City Approving
23 the liquor license -- for 2018-2019 Renewal of
24 La Placita Supermarket, trading as La Placita
25 Supermarket, Liquor License Number

1 0910-43-131-002.

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

4 MAYOR STACK: Sure.

5 Anyone wishing to comment on the Consent
6 Agenda, please step forward, state your name and
7 address for the record.

8 Seeing none.

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

11 COMMISSIONER VALDIVIA: Motion.

12 COMMISSIONER MARTINETTI: Second.

13 CITY CLERK: Motion by Commissioner
14 Valdivia.

15 Second by Commissioner Martinetti.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 CITY CLERK: Commissioner Grullon?

19 COMMISSIONER GRULLON: Yes.

20 CITY CLERK: Commissioner Valdivia?

21 COMMISSIONER VALDIVIA: Yes.

22 CITY CLERK: Commissioner Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1 CITY CLERK: May I have a motion to approve
2 all items on Consent Agenda?

3 COMMISSIONER VALDIVIA: Motion.

4 CITY CLERK: Motion by Commissioner
5 Valdivia.

6 COMMISSIONER GRULLON: Second.

7 CITY CLERK: Seconded by Commissioner
8 Grullon.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 CITY CLERK: Commissioner Grullon?

12 COMMISSIONER GRULLON: Yes.

13 CITY CLERK: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 CITY CLERK: Commissioner Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19

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

22 **REGULAR AGENDA:**

23 1. Resolution Approving the Payment of Claims
24 for the Grace Theater Workshop, Inc.)
25

1 CITY CLERK: We have one item on the
2 Regular Agenda.

3 It's a Resolution Approving the Payment of
4 Claims for the Grace Theater Workshop
5 Incorporated.

6 May I have a motion to approve item 1 on
7 the Regular Agenda?

8 COMMISSIONER MARTINETTI: Motion.

9 CITY CLERK: Motion by Commissioner
10 Martinetti.

11 COMMISSIONER VALDIVIA: Second.

12 CITY CLERK: Second by Commissioner
13 Valdivia.

14 Commissioner Fernandez is abstaining --
15 recusing.

16 Commissioner Grullon?

17 COMMISSIONER GRULLON: Yes.

18 CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 CITY CLERK: Commissioner Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following item:

2 **ORDINANCES FOR HEARING AND ADOPTION**

3 **CONSIDERATION:**

4 1. AN ORDINANCE AMENDING AND SUPPLEMENTING THE
5 REVISED GENERAL ORDINANCES OF THE CITY OF UNION
6 CITY, PROVIDING FOR A FEE SHARING WITH THE UNION
7 CITY PARKING AUTHORITY.)

8
9 CITY CLERK: We have four -- three
10 Ordinances on for -- for Public Hearing and
11 Adoption Consideration this evening.

12 The first is an Ordinance Amending and
13 Supplementing the Revised General Ordinances of
14 the City of Union City, Providing for Fee Sharing
15 with the Union City Parking Authority.

16 Mayor, at this time would you like to take
17 public comment?

18 Also, Neil Marotta's here if you would like
19 him to talk about the Ordinance.

20 MAYOR STACK: Sure.

21 Neil, if you could just maybe give --

22 Where's Neil? I'm sorry.

23 Neil, if maybe you could just give, you
24 know, a quick recap on exactly what we're doing
25 with this Ordinance.

1 MR. MAROTTA: Sure.

2 Currently under the City Ordinances we have
3 a fee share with the Parking Authority -- the
4 City with the Parking Authority.

5 And pursuant to that Ordinance \$3.00 of
6 every ticket is given to the Parking Authority.

7 Well as part of the revitalization and
8 steps to improve parking with the City, we've
9 adopted a new residential parking ordinance.
10 That parking ordinance had provided for a fee
11 share of approximately \$15.00 per summons with
12 the Parking Authority.

13 Unfortunately, the Parking Authority had --
14 or fortunately, however it works, had purchased a
15 ticketing system where the court is not able to
16 issue a report about the amount that would be
17 provided to the Parking Authority.

18 To therefore make up for that amount we are
19 changing the -- the current ticket share
20 ordinance from \$3.00 to \$6.50 per summons. We
21 believe it will be conservative on the side of
22 the City; however it will -- it will help the
23 Parking Authority to obtain funds that it -- it
24 definitely needs to operate.

25 And that is the purpose of the Ordinance.

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

4 Seeing none.

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

7 COMMISSIONER FERNANDEZ: Motion.

8 CITY CLERK: Motion by Commissioner
9 Fernandez.

10 Second by Commissioner Valdivia.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 CITY CLERK: Commissioner Grullon?

14 COMMISSIONER GRULLON: 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 CITY CLERK: May I have a motion to adopt
22 the Ordinance?

23 COMMISSIONER MARTINETTI: Motion.

24 CITY CLERK: Motion by Commissioner
25 Martinetti.

1 COMMISSIONER VALDIVIA: Second.

2 CITY CLERK: Second by Commissioner
3 Valdivia.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 CITY CLERK: Commissioner Grullon?

7 COMMISSIONER GRULLON: 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

15

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

18 **ORDINANCES FOR HEARING AND ADOPTION**

19 **CONSIDERATION:**

20 2. AN ORDINANCE OF THE CITY OF UNION CITY,
21 COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE
22 SUM OF \$202,376.69 IN FUNDING FROM THE CAPITAL
23 IMPROVEMENT FUND FOR THE ACQUISITION OF
24 INSTALLATION OF AN OUTDOOR SECURITY SYSTEM.)

25

1 CITY CLERK: The second is an Ordinance of
2 the City of Union City, County of Hudson, New
3 Jersey, Appropriating the Sum of \$202,376.69 in
4 the Funding from the Capital Improvement Fund for
5 the Acquisition and Installation of an Outdoor
6 Security System.

7 Mayor, would you like to take public
8 comment on this Ordinance?

9 MAYOR STACK: Sure.

10 These -- these are the cameras that we're
11 installing --

12 CITY CLERK: Correct.

13 MAYOR STACK: -- on Central Avenue?

14 CITY CLERK: Correct.

15 MAYOR STACK: Okay.

16 This is ongoing. We're trying to put up as
17 many cameras as we can in the community to help
18 the Police Department and provide additional
19 safety to our residents.

20 Obviously, it doesn't replace a police
21 officer and doesn't replace residents calling the
22 Police Department, which in Union City the
23 residents have done very well.

24 This just adds additional cameras in
25 various locations throughout the community as

1 we've been doing.

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

4 Seeing none.

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

7 COMMISSIONER FERNANDEZ: Motion.

8 CITY CLERK: Motion by Commissioner
9 Fernandez.

10 Second?

11 COMMISSIONER GRULLON: Second.

12 CITY CLERK: Second by Commissioner
13 Grullon.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Yes.

16 CITY CLERK: Commissioner Grullon?

17 COMMISSIONER GRULLON: Yes.

18 CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 CITY CLERK: Commissioner Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24 CITY CLERK: May I have a motion to adopt
25 the Ordinance?

1 COMMISSIONER VALDIVIA: Motion.

2 CITY CLERK: Motion by Commissioner
3 Valdivia.

4 Second?

5 COMMISSIONER GRULLON: Second.

6 CITY CLERK: Second by Commissioner
7 Grullon.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 CITY CLERK: Commissioner Grullon?

11 COMMISSIONER GRULLON: Yes.

12 CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 CITY CLERK: Commissioner Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

18

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

21 **ORDINANCES FOR HEARING AND ADOPTION**

22 **CONSIDERATION:**

23 3. AN ORDINANCE AMENDING AND REPLACING CHAPTER
24 40, "AFFORDABLE HOUSING" OF THE CODE OF THE CITY
25 OF UNION CITY, COUNTY OF HUDSON.)

1

2 CITY CLERK: The last Ordinance is an
3 Ordinance Amending and Replacing Chapter 40,
4 Affordable Housing of the Code of Union City,
5 County of Hudson.

6

7 Mayor, we have professionals here to talk
8 about the Ordinance if you'd like or you can take
9 public comment at this time.

9

MAYOR STACK: Sure.

10

11 No, have them -- a brief explanation and
12 then we'll take public comment.

12

CITY CLERK: Okay.

13

McKinley?

14

MS. DILLON: Name for the record please?

15

MS. MERTZ: McKinley Mertz, M-E-R-T-Z.

16

17 This Ordinance in front of you is replacing
18 an existing Affordable Housing Ordinance that the
19 City has already had for some time now.

19

20 It simply is updating it to the current
21 standards and it is implementing the Housing
22 Element and Fair Share Plan that your Planning
23 Board adopted last September and it was endorsed
24 by the Commission early 2018.

24

25 It sets forth the rules that are expressed
in the Uniform Housing and Affordability

1 Controls, also known as UHAC. These are rules
2 that have already been approved by the states.
3 Every city and municipality within the State
4 needs to enforce these rules when it comes to
5 affordable housing. It has to do with bedroom
6 mix and breakdown of units.

7 So this is part of the compliance process
8 for Union City.

9 There will be a compliance hearing for your
10 affordable housing obligation. As you know you
11 -- you do not have a prospective need obligation;
12 however, you will still be going to the courts to
13 confirm compliance. And that should happen some
14 time in September. This is a component of that.

15 The City cannot move forward to that
16 compliance hearing until this Ordinance has been
17 adopted.

18 CITY CLERK: Thank you.

19 MAYOR STACK: Thank you very much.

20 Thank you.

21 Anyone else presenting?

22 CITY CLERK: No, that's --

23 MAYOR STACK: No?

24 CITY CLERK: No, that's fine.

25 MAYOR STACK: Okay.

1 CITY CLERK: Yeah, you can -- you can stay
2 there, McKinley.

3 MAYOR STACK: Does anyone have any
4 questions at this time?

5 If you could please step forward, state
6 your name and address for the record.

7 Just before Mr. Price comments, I would
8 just --

9 You can -- you can step forward, Mr. Price.

10 Just before Mr. Price comments, I would
11 just like to say the Commissioners and myself are
12 working very hard to provide as much affordable
13 housing as possible to the residents of Union
14 City.

15 We want to see the residents who live here
16 stay here. And one of the things that we've
17 tried to do is provide affordable housing. But
18 more importantly, even with the Local Rent
19 Control Ordinance, to have a strong ordinance
20 that protects tenants in the community -- but not
21 only just talk about but really to put our money
22 where our mouth is and have a Tenant Advocate
23 that goes to court and protects tenants that are
24 illegally being evicted by their landlord or
25 being mistreated.

1 So this just ties in with everything else
2 that we're trying to do in the community.

3 Mr. Price?

4 MR. PRICE: Okay.

5 Larry Price, 1006 Palisade.

6 Question to whomever.

7 I have a copy of the Ordinance -- proposed
8 Ordinance from the newspaper and I have a few
9 questions about it.

10 First part starts off right at the very
11 beginning. A mandatory sliding scale set-aside
12 requirement is triggered by any Planning Board or
13 Zoning Board action on subdivision, rezoning, use
14 variance -- so forth, that provides an increase
15 in density above what is currently permitted as
16 of the date of this Ordinance.

17 That gets a little tricky. The maximum
18 that you're going to have in a 25 by a hundred
19 lot is three families. And that means that a
20 rough -- 52 units per acre is a permitted
21 density.

22 This says anything above that triggers it.
23 But I read the rest of the Ordinance and nobody
24 is talking about -- everybody's counting from
25 zero, not from 51.

1 I don't understand it.

2 MS. DILLON: Just step forward.

3 MAYOR STACK: If you could answer it?

4 Or, Angelo, if you could answer it?

5 MR. AUTERI: I don't know if I'm sure I
6 understand.

7 Is that a question? Or --

8 MS. MERTZ: I actually don't understand
9 either. If you could --

10 MR. PRICE: Okay.

11 This says it only applies if it's above the
12 density that is already permitted. Fifty-one --
13 52 units an acre is what is permitted because
14 that's the density from a three family on a 25 by
15 a hundred lot.

16 But all the rest of the Ordinance talks
17 about, you know, from zero. You know, zero to 50
18 is a certain set -- or zero to 20 is a certain
19 set-aside requirement. Nobody's counting from
20 52.

21 So I don't understand what that means.

22 MS. MERTZ: Well this is -- so it says that
23 it's -- the -- the five percent set-aside is
24 going to start for developments of 20 units.

25 So for 20 to 49 units will be a five

1 percent set-aside and it goes --

2 MR. PRICE: But that goes --

3 MS. MERTZ: -- on from there.

4 MR. PRICE: -- to the building; not to the
5 density.

6 MS. MERTZ: The density related to the site
7 is three units are permitted on a site. You're
8 building four. It's -- it's still due at 20, so
9 it doesn't matter for that.

10 But --

11 MR. PRICE: Wait a minute.

12 I -- I didn't -- you didn't understand my
13 question.

14 MS. MERTZ: I guess not.

15 MR. PRICE: I don't understand your answer
16 --

17 MS. MERTZ: I'm sorry.

18 MS. DILLON: You just have to come forward.

19 MR. PRICE: You try that one again?

20 MS. MERTZ: You're -- you're concerned that
21 there is nothing for units -- for -- for
22 developments less than 50 units?

23 MR. PRICE: No. No.

24 I'm saying here that this -- this says
25 it's --

1 MAYOR STACK: That's what the question
2 sounds like though.

3 So maybe you could rephrase it. Because
4 the way I'm understanding it also it sounds like
5 there's no set-aside or nothing for units below
6 50.

7 MR. PRICE: Well, 52 units per acre, not --
8 not per building.

9 But that's what this says. It says it's
10 only triggered when the density is greater than
11 that permitted. But 52 units per acre is what's
12 permitted today. You know, that's a three family
13 on a 25 by a hundred.

14 But --

15 MAYOR STACK: Pat, do you want to come up
16 and get involved and answer this?

17 MR. McNAMARA: Yeah. Sure.

18 My understanding of the Ordinance --

19 MS. DILLON: Just wait, --

20 CITY CLERK: We got to wait.

21 MS. DILLON: -- Mr. McNamara, --

22 MAYOR STACK: Just if you could --

23 MS. DILLON: -- until you come to the mic.

24 MAYOR STACK: -- move closer and just
25 put -- enter your appearance.

1 MR. McNAMARA: The Ordinance doesn't apply
2 to any development of less than 20 units.

3 MS. DILLON: Excuse me?

4 Mr. McNamara?

5 MR. McNAMARA: Yes?

6 MS. DILLON: A little closer.

7 MR. McNAMARA: Okay.

8 MS. DILLON: And put your --

9 MR. McNAMARA: The Ordinance --

10 MS. DILLON: -- appearance again.

11 MR. McNAMARA: -- in question has a
12 mandatory sliding scale. It's only triggered
13 when you get to 20 units.

14 Any development, regardless of the zone
15 that it's in, if it's under 20 units, doesn't
16 trigger.

17 If I come in with a building with 15 units,
18 I -- I'm not triggering this Ordinance.

19 MR. PRICE: Okay.

20 But that's -- that's what I don't like
21 about --

22 Theoretically, you could have a 20 unit
23 building -- a 25 unit building on a one acre lot.
24 And I would say to you that shouldn't be
25 triggered because that's -- the den-- permitted

1 density is 52 units per acre.

2 And you're saying but it's 25 unit
3 building; it's more than 20 and it triggers.

4 So I don't understand what that means then.

5 MR. McNAMARA: I -- I don't understand your
6 confusion, sir.

7 Because the whole idea is the sliding scale
8 is designed to trigger based on the density of
9 the development, not on the density of the zone
10 in which the development's located.

11 MR. PRICE: Then why refer to density in
12 this part?

13 It's your Ordinance. I don't understand --

14 MR. McNAMARA: Well, because you want --
15 you're trying to say that it matches up to the
16 intensity of the development.

17 What -- what we're trying to do is say,
18 look, the more units you build, the greater your
19 affordable housing obligation is back to the
20 City.

21 It's not regressive. It's -- it's trying
22 to be proportionate saying larger developments
23 should bare proportionately larger share of an
24 affordable housing obligation.

25 MR. PRICE: Okay. Well, --

1 Okay, I'll move on from that then.

2 Okay. Next -- next question.

3 Okay. Section 6, okay, is -- it reads:

4 In inclusionary developments the following
5 schedule shall be followed.

6 Now an inclusionary development is one
7 where you have both a pre-market rate or
8 apartments and also affordable in -- in the same
9 thing.

10 MR. McNAMARA: Yes, sir.

11 MR. PRICE: Okay.

12 And, frankly, I don't understand what this
13 says.

14 It says maximum percentage of market rate
15 units completed. And --

16 MR. McNAMARA: The whole idea of this
17 provision, sir, is to make sure -- say I have a
18 multi-phase development where I might be putting
19 up three buildings, each has 25 units.

20 What we're trying to do is to make sure
21 that as the development proceeds the
22 proportionate share of affordable units gets
23 constructed. So the guy doesn't come in, put up
24 two buildings, they're all market rate, and then
25 doesn't bother building -- putting up building

1 number three.

2 We've now been -- the -- the City's now
3 been short-changed. So what we're trying to do
4 is say as you proceed along and as you build
5 these units, you got to make sure you're
6 including a percent --

7 MR. PRICE: Okay.

8 MR. McNAMARA: -- of these affordable.

9 MR. PRICE: Okay.

10 MR. McNAMARA: So we don't wind up with two
11 buildings built, a hundred percent market rate,
12 and the third building doesn't get built where
13 the affordables are going.

14 MAYOR STACK: It's done --

15 MR. PRICE: Okay.

16 MAYOR STACK: -- to protect the affordable
17 component.

18 MS. MERTZ: Yes.

19 MR. McNAMARA: It's to give the developer a
20 golden set of handcuffs --

21 MR. PRICE: Okay.

22 So what you're --

23 MR. McNAMARA: -- to say you're obligated
24 to do both.

25 MR. PRICE: When you've built 25 percent --

1 up to 25 percent of your market rates are being
2 built, you're not required to --

3 By the time you get to 50 percent of your
4 market rate -- anticipated market rate units, you
5 have to build 50 percent --

6 MR. McNAMARA: Correct, sir.

7 MR. PRICE: Okay.

8 MS. MERTZ: Yes.

9 MR. PRICE: Okay. Okay. I now understand
10 that.

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

13 MR. PRICE: Okay.

14 This is Section 16, Item 4.

15 Reads no rent control ordinance or other
16 pricing restrictions shall be applicable to
17 either the market units or affordable units in
18 any development in which at least 15 percent of
19 the total number of dwelling units are restricted
20 rental units in compliance with --
21 (indiscernible).

22 MR. McNAMARA: Right.

23 MR. PRICE: Okay.

24 MR. McNAMARA: The reason for that is the
25 unit has to be deed restricted for 30 years,

1 | whether it's a rental unit or a for sale unit, in
2 | order to show the State that we're meeting the
3 | COAH regulatory requirement.

4 | And since an owner is already going to be
5 | -- of that building is already limited into what
6 | they can charge for rent, the State policy has
7 | always been then the other properties can be --
8 | other units in the building can go for market
9 | rate. Because you've already deed restricted
10 | that 15 percent for a 30 year period. And by
11 | deed restricting it you're restricting how that
12 | can be assessed for property tax purposes.

13 | In other words, hypothetically, if I have
14 | two units in the building, the market rate unit
15 | is worth a hundred thousand, the affordable unit
16 | may only be able to be assessed at fifty because
17 | there's an income restriction. Because that
18 | person has to qualify as a very low, low, or
19 | moderate income person or family.

20 | So -- so you don't unduly penalize the
21 | owner of the building by then imposing mandatory
22 | rent control on the balance.

23 | You say wait a minute, in this instance
24 | he's already subsidizing these units because he
25 | can't charge market rate rent; he can only charge

1 the rent the State allows him to. And there are
2 uniform guidelines that are issued through UHAC
3 every year, or every other year that divide the
4 State into six regions. And then into each
5 region -- region sets forth the price range and
6 income qualifications for those units.

7 MAYOR STACK: Which are the same guidelines
8 that would apply to 1509 Bergenline, the Bella
9 Vista, --

10 MS. MERTZ: Um-hum.

11 MAYOR STACK: -- to various housing --

12 MR. PRICE: The --

13 MAYOR STACK: -- 2601, 3900 Palisade, 1901
14 West Street. The same guidelines.

15 MR. PRICE: Okay.

16 But the reason I ask the question is -- I
17 understand that there's a State law that says on
18 a new building you can't impose rent control for
19 the first 30 years anyway.

20 But these afford--

21 MS. DILLON: Repeat that, Mr. Price. I'm
22 sorry, I didn't hear you.

23 Repeat what you just said.

24 MR. PRICE: Oh.

25 I understand that there's a State law that

1 | says you can't impose rent control on a new
2 | rental property for the first 30 years anyway.
3 | So, if it doesn't -- if you have a new building
4 | with affordable units, this says you can't do it
5 | for 30 years and State law says that anyway. But
6 | you would -- you could have an affordable -- you
7 | could have a rehab project, correct, with
8 | affordable units in it?

9 | MR. McNAMARA: Conceivably.

10 | MR. PRICE: And this restriction would
11 | still apply?

12 | MR. McNAMARA: Potentially.

13 | MR. PRICE: But that State law would not
14 | apply?

15 | MR. McNAMARA: I'm not that familiar with
16 | the State law that you referenced. But,
17 | generally, if you're designating a property to
18 | fulfill a obligation for low and moderate income
19 | housing that, I would believe, constitutionally
20 | would probably take precedence over the other
21 | statute you referenced. Because, in effect, this
22 | is a constitutional mandate that's been dictated
23 | by the New Jersey State Supreme Court in the
24 | various Mount Laurel cases from 2015 dating back
25 | to the early 1970s.

1 MR. PRICE: So, a -- a developer could come
2 in, take an old building, rehab it, --

3 MR. McNAMARA: Right.

4 MR. PRICE: -- include 15 percent
5 affordable housing and he's free of rent control
6 for 30 years?

7 MR. McNAMARA: I don't know if he's rent
8 control free for the 30 years. What he is
9 obligated to do is deed restrict the units that
10 are designated as affordable for 30 years.
11 That's the mandate that's required under the COAH
12 regulations and the court rules.

13 MR. PRICE: Well, wait a minute, you
14 keep --

15 Said no rent control ordinance or other
16 pricing restriction shall be applicable to either
17 the market units or the affordable units in any
18 development in which at least 15 percent of the
19 total number of dwelling units are restricted
20 rental units in compliance with this ordinance.

21 MR. McNAMARA: Right.

22 MR. PRICE: So, --

23 MR. McNAMARA: I don't -- I don't think
24 that conflicts with the law you recited, sir.

25 MR. PRICE: Well, I'm just saying it

1 | doesn't matter in a new building but you take an
2 | old building and rehab it and put in 15 percent
3 | affordable, even though it's an old building and
4 | rent control wouldn't only apply, this says it
5 | doesn't apply.

6 | Correct?

7 | MR. McNAMARA: That's correct.

8 | MR. PRICE: Okay.

9 | It'll be a lot of candidates for affordable
10 | buildings I think.

11 | Okay.

12 | Okay.

13 | MR. AUTERI: I want to add, while Mr. Price
14 | is looking for the next section, that a lot of
15 | this language was taken from State statutes and
16 | is standard language based on those statutes.

17 | MR. PRICE: What I was just referring to
18 | here?

19 | MR. AUTERI: Yes.

20 | MR. PRICE: Okay. I --

21 | MR. AUTERI: Yeah. So, it -- it, you know,
22 | came out of our office --

23 | MR. McNAMARA: We don't create these out of
24 | old cloth; these are models that the State has
25 | been --

1 MR. AUTERI: Right.

2 MR. McNAMARA: -- asking municipalities to
3 follow for years.

4 MR. PRICE: Mr. McNamara, I thought it was
5 your -- your original -- whatever.

6 Okay.

7 End of questions.

8 Thank you.

9 And I'm not trying to argue with anybody.
10 I'm just trying to find out what it means --

11 MR. AUTERI: Of course.

12 MR. PRICE: -- and I think it's --

13 Thank you.

14 MAYOR STACK: Thank you, Mr. Price.

15 Anyone else wishing to comment on this
16 Ordinance at this time? Please step forward.

17 Seeing no other.

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

20 COMMISSIONER FERNANDEZ: Motion.

21 CITY CLERK: Motion by Commissioner
22 Fernandez.

23 Second?

24 COMMISSIONER GRULLON: Second.

25 CITY CLERK: Second by Commissioner

1 Gullon.

2 Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes.

4 CITY CLERK: Commissioner Gullon?

5 COMMISSIONER GRULLON: Yes.

6 CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 CITY CLERK: Commissioner Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12 CITY CLERK: May I have a motion to adopt

13 the Ordinance?

14 COMMISSIONER VALDIVIA: Motion.

15 CITY CLERK: Motion by Commissioner

16 Valdivia.

17 Second?

18 COMMISSIONER GRULLON: Second.

19 CITY CLERK: Second by Commissioner

20 Gullon.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 CITY CLERK: Commissioner Gullon?

24 COMMISSIONER GRULLON: Yes.

25 CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 CITY CLERK: Commissioner Martinetti?

3 COMMISSIONER MARTINETTI: Yes.

4 CITY CLERK: Mayor Stack?

5 MAYOR STACK: Yes.

6

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

8

9 CITY CLERK: Mayor, at this time would you
10 like to take public comment on --

11 MS. DILLON: I'm sorry; Mayor, did you
12 vote?

13 CITY CLERK: Yes, -- yes.

14 MS. DILLON: Okay.

15 MAYOR STACK: Yes.

16 Anyone wishing to comment on any matter
17 concerning municipal government in the City of
18 Union City, please step forward, state your name
19 and address for the record.

20 Seeing no other.

21 CITY CLERK: May I have a motion to close
22 Public Comment?

23 COMMISSIONER FERNANDEZ: Motion.

24 COMMISSIONER MARTINETTI: Motion.

25 CITY CLERK: Motion by Commissioner

1 Fernandez.

2 Second by Commissioner Martinetti.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 CITY CLERK: Commissioner Grullon?

6 COMMISSIONER GRULLON: Yes.

7 CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 CITY CLERK: Commissioner Martinetti?

10 COMMISSIONER MARTINETTI: Yes.

11 CITY CLERK: Mayor Stack?

12 MAYOR STACK: Yes.

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1 LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

2

3 1. Pupusa No. 2, Inc.

4 t/a La Pupusa Loca

5 Location: 4709 Bergenline Avenue

6 License No. 0910-33-174-007

7 2. La Herradura, Inc.

8 t/a La Herradura Bar Lounge

9 Location: 414 24th Street

10 License No. 0910-33-117-005

11 3. Manhattan Bar & Grill Restaurant, Inc.

12 t/a Manhattan Bar & Grill

13 Location: 1711 Manhattan Avenue

14 License No. 0910-33-188-004

15

16 CITY CLERK: There are three Liquor License
17 Disciplinary Hearings at this time.

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

20 MR. FARMER: Good evening, members of the
21 Board.

22 You have three cases on this evening.

23

24

* * *

25

1 | MANHATTAN BAR & GRILL RESTAURANT, INC.

2 | t/a MANHATTAN BAR & GRILL

3 | Location: 1711 Manhattan Avenue

4 | License No. 0910-33-188-004

5 |

6 | MR. FARMER: The last one is Manhattan and
7 | they're not here and -- which is surprising. Now
8 | they've been here a lot of times.

9 | So I'd like to put that off and let me find
10 | out what's going on and have it on for the next
11 | time.

12 | That may involve an interpretation by the
13 | Board of the newly enacted Bottle Ordinance after
14 | ten o'clock.

15 | So I just want to let you know on that.

16 | * * *

17 |

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25 |

1 PUPUSA NO. 2, INC.

2 t/a LA PUPUSA LOCA

3 Location: 4709 Bergenline Avenue

4 License No. 0910-33-174-007

5

6 MR. FARMER: The first one is Pupusa.

7 And the record should reflect that

8 Lieutenant Loaces is alongside of me. And he has
9 been involved with all the negotiations with all
10 the licensees, both Pupusa and La Herradura.

11 Pupusa is a paper violation. They didn't
12 have the security guy on their E-141 and they had
13 some other missing papers on two occasions.

14 So what we've tried to get across is that
15 there would be a three day suspension; total of
16 eight days. Five would be suspended for six
17 months on the condition that there would not be a
18 reoccurrence of an offense -- an ABC offense and
19 they would be closed for three days, which would
20 be August 28th, 29th and 30th.

21 Gentlemen, did I recite that correctly?

22 MR. MARTINEZ: Correct.

23 MR. FARMER: And you know I told you you
24 could have a lawyer?

25 MS. DILLON: Wait. Wait. I --

1 MR. FARMER: Okay.

2 MS. DILLON: -- I -- I need your name --

3 MR. FARMER: Yeah, you got to put your
4 names on --

5 MS. DILLON: -- for the record.

6 Whoever's going to address the Board.

7 MR. MARTINEZ: Wilfredo Martinez.

8 MS. DILLON: Wilfredo Martinez?

9 MR. MARTINEZ: Martinez. Yes.

10 MS. DILLON: Wilfredo?

11 MR. MARTINEZ: Yes.

12 MS. DILLON: Thank you.

13 MR. FARMER: Mr. Martinez, you've been
14 involved with discussions with me and with
15 Lieutenant Loaces over probably the last two --
16 four weeks.

17 Correct?

18 MR. MARTINEZ: That's correct.

19 MR. FARMER: And we've explored all of the
20 charges that were against you, too, two separate
21 ones?

22 MR. MARTINEZ: Yes.

23 MR. FARMER: And I've advised you that you
24 can get yourself an attorney.

25 All right?

1 MR. MARTINEZ: Yes. Um-hum.

2 MR. FARMER: You told me that you didn't
3 want an attorney.

4 Do you feel comfortable with the way this
5 matter proceeded?

6 MR. MARTINEZ: Yes, sir.

7 MR. FARMER: Do you understand it?

8 MR. MARTINEZ: Yes.

9 MR. FARMER: Are you agreeing to -- that
10 there would be a total of an eight day
11 suspension, five of which will be suspended on
12 the condition of no reoccurrence for six months
13 of an ABC violation; and a three day suspension
14 where you would be closed. And those days would
15 be the 28th, 29th and 30th?

16 MR. MARTINEZ: Yes, sir.

17 MR. FARMER: Okay.

18 No questions?

19 MR. MARTINEZ: No questions.

20 MR. FARMER: Okay.

21 MAYOR STACK: Okay. I'll make a motion --

22 COMMISSIONER MARTINETTI: Second.

23 MAYOR STACK: -- Mr. Farmer's
24 recommendation.

25 CITY CLERK: Motion by Mayor Stack.

1 Second by Commissioner Martinetti.
2 Commissioner Fernandez?
3 COMMISSIONER FERNANDEZ: Yes.
4 CITY CLERK: Commissioner Grullon?
5 COMMISSIONER GRULLON: Yes.
6 CITY CLERK: Commissioner Valdivia?
7 COMMISSIONER VALDIVIA: Yes.
8 CITY CLERK: Commissioner Martinetti?
9 COMMISSIONER MARTINETTI: Yes.
10 CITY CLERK: Mayor Stack?
11 MAYOR STACK: Yes.
12 MR. FARMER: Okay.
13 Thank you, gentlemen.
14 MR. MARTINEZ: Thank you.
15 MR. FARMER: Okay.
16 Take care.

17

18

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1 LA HERRADURA, INC.
2 t/a LA HERRADURA BAR LOUNGE
3 Location: 414 24th Street
4 License No. 0910-33-117-005
5

6 MR. FARMER: The next matter is
7 La Herradura.

8 And counsel is here representing
9 La Herradura and I'd ask him -- as well as the
10 licensees -- ask him to put his appearance on the
11 record.

12 MR. PANEQUE: Yes. Good evening, Board of
13 Commissioners.

14 Ivan Paneque, --

15 Good evening, Mayor Stack.

16 Ivan Paneque, on behalf of La Herradura,
17 Incorporated, located at 414 24th Street.

18 Standing to my left I have Sonia Lopez
19 (phonetic) who is the President/owner --
20 President of the corporation and owner of the --
21 the bar.

22 Standing to her left is her grandson who's
23 here in case something needs to be interpreted.

24 MR. FARMER: Okay, what this is all about
25 is that, again, we had a conference with the

1 parties couple of days ago. It's an offense
2 that's a paper violation and it has this.

3 Apparently at the night of the occurrence
4 there was the eternal triangle. One guy with two
5 women.

6 And consequently what happened was one of
7 the women took offense of the guy being with
8 another woman and went over and kind of poured
9 beer on him and the guy got up, and the guy left,
10 she was after him. She was intoxicated. He went
11 out of the door or out of the tavern, she
12 followed him and hit him a couple times and then
13 the Police came and separated them all.

14 The situation is really a paper violation.
15 The -- as I explained to counsel, the Board is
16 going to be cracking down on over-service. And
17 this might have been a case of that if it had
18 been explored.

19 But nevertheless I would recommend a three
20 day suspension. The -- the disturbance charge to
21 be dismissed because it really didn't have
22 anything to do with the bar. It was just the
23 emotional reaction of people. And the guy left
24 the bar and she chased him down the street.

25 Must have been a sight to see.

1 But --

2 MAYOR STACK: So your recommendation is
3 three days?

4 MR. FARMER: Yes.

5 Which would be August 20th, 21st and 22nd.

6 MAYOR STACK: Okay.

7 Okay, I'll make a motion to approve the
8 recommendation.

9 CITY CLERK: Motion by Mayor Stack.

10 Second?

11 COMMISSIONER FERNANDEZ: Second.

12 CITY CLERK: Second by Commissioner
13 Fernandez.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Yes.

16 CITY CLERK: Commissioner Grullon?

17 COMMISSIONER GRULLON: Yes.

18 CITY CLERK: Commissioner Valdivia?

19 COMMISSIONER VALDIVIA: Yes.

20 CITY CLERK: Commissioner Martinetti?

21 COMMISSIONER MARTINETTI: Yes.

22 CITY CLERK: Mayor Stack?

23 MAYOR STACK: Yes.

24 MR. FARMER: Just so you know, that on a
25 plea you can't go to the State and make an

1 application for --

2 MR. PANEQUE: Understood.

3 MR. FARMER: And you're not going to take
4 an appeal.

5 MR. PANEQUE: Absolutely understood.

6 MR. FARMER: Okay, great.

7 Thank you.

8 Thank you so much.

9 MR. PANEQUE: Thank you.

10 Appreciate it.

11 MS. DILLON: Mr. Paneque, before you leave,
12 could you spell the corporation for me?

13 MR. PANEQUE: Sure. It's L-A, La. Second
14 word is Herradura, H-E-R-R-A-D, like David, U-R-A
15 --

16 MS. DILLON: Okay.

17 MR. PANEQUE: -- comma Inc.

18 MS. DILLON: Thank you.

19 MR. PANEQUE: Thank you.

20 MR. FARMER: Thank you.

21 MR. PANEQUE: Thank you members of the
22 Board.

23 MAYOR STACK: Thank you very much.

24 MR. PANEQUE: Thank you, --

25 MR. FARMER: Take care.

1 MAYOR STACK: Thank you.

2 MR. PANEQUE: -- Mayor Stack.

3 MAYOR STACK: Have a good evening. Good
4 evening, Ivan.

5 MR. FARMER: That's it.

6
7 **ADJOURNMENT:**

8
9 CITY CLERK: Okay.

10 There are no other items on the meeting
11 this evening.

12 May I have a motion to adjourn?

13 COMMISSIONER FERNANDEZ: Motion.

14 CITY CLERK: Motion by Commissioner
15 Fernandez.

16 Second?

17 COMMISSIONER GRULLON: Second.

18 CITY CLERK: Second by Commissioner
19 Grullon.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 CITY CLERK: Commissioner Grullon?

23 COMMISSIONER GRULLON: Yes.

24 CITY CLERK: Commissioner Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 CITY CLERK: Mayor Stack?

4 MAYOR STACK: Yes.

5 Thank you to the residents --

6 CITY CLERK: Thank you.

7 MAYOR STACK: -- who attended this evening.

8 Thank you, everyone.

9

10 (Whereupon, the proceedings were concluded
11 at 7:31 p.m.)

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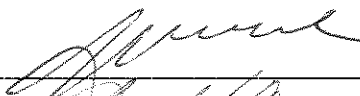
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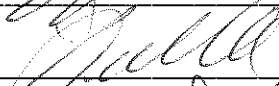
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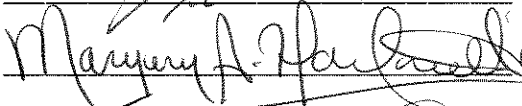
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Brian P. Stack

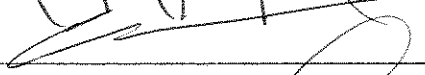
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Lucio P. Fernandez

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Maryury A. Martinetti

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Celin J. Valdivia

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Wendy A. Grullon

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Board of Commissioners

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Attest: 

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Erin M. Knoedler,

10

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, July 24, 2018 and digitally
10 recorded.

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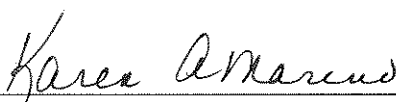
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Karen A. Marino

AOC 493

Monitored and Proofread by: Deborah Dillon