

ORIGINAL

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

REGULAR MEETING

TRANSCRIPT OF RECORDED

PROCEEDINGS

Holy Family Church Lyceum
533 35th Street
Union City, New Jersey

Tuesday, May 28, 2019
Commencing at 12:16 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,
(Left at 12:42 p.m.)
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.
Corporation Counsel

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

SOL VILLON, Interpreter

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A P P E A R A N C E S:

ANTHONY F. SARSANO, ESQ.

Attorney for Sai Prasad Inc., t/a Bergenline Liquors

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I N D E XVanessa Café t/a Vanessa CaféWITNESSPAGE

Nestor Oswaldo Variselli
Daribell Luna

29
30

1 CITY CLERK: This is a Regular Public
2 Meeting of the Union City Board of Commissioners
3 being held on Tuesday, May 28th, 2019, at noon, at
4 the Holy Family Church Lyceum, 533 35th Street,
5 Union City, New Jersey.

6 Please stand for the Pledge of Allegiance.

7

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

10

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

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

18

19 **ROLL CALL:**

20

21 CITY CLERK: Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Here.

23 CITY CLERK: Commissioner Grullon?

24 COMMISSIONER GRULLON: Here.

25 CITY CLERK: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Here.

2 CITY CLERK: Commissioner Martinetti?

3 COMMISSIONER MARTINETTI: Here.

4 CITY CLERK: Mayor Stack?

5 MAYOR STACK: Here.

6

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

9 **APPROVAL OF PREVIOUS MEETING MINUTES FROM MAY 14,**
10 **2019.)**

11

12 CITY CLERK: The first item is the Approval
13 of the Meeting Minutes from the Board of
14 Commissioner Meeting dated May 14th, 2019.

15 May I have a motion?

16 COMMISSIONER VALDIVIA: Motion.

17 MAYOR STACK: Second.

18 CITY CLERK: Motion by Commissioner
19 Valdivia.

20 Second by Mayor Stack.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 CITY CLERK: Commissioner Grullon?

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 CITY CLERK: Thank you.

7

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

10 **CONSENT AGENDA:**

11 (1) Resolution Approving the Payment of Claims

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

14 (3) Resolution Approving the Escrow Refunds

15 (4) Resolution Approving the City Payroll for
16 the Period of May 11, 2019 through May 24, 2019

17 (5) Resolution Approving the Library Payroll
18 for the Period of May 11, 2019 through May 24,
19 2019

20 (6) Resolution Authorizing the City Clerk to
21 Advertise for Bids for Lead Service Replacement
22 on Palisade Avenue

23 (7) Resolution Authorizing the City Clerk to
24 Advertise for 2019 Citywide Sidewalk Repair

25 (8) Resolution Referring Ordinance 2019-8 to

- 1 the Union City Planning Board Pursuant to NJSA
2 40:55D-64
- 3 (9) Resolution Approving a Raffle License to
4 St. Augustine Church
- 5 (10) Resolution Authorizing Refund of Redemption
6 Monies to Outside Lienholders
- 7 (11) Resolution Cancelling Taxes on City Owned
8 Property
- 9 (12) Resolution Approving the FY2019 Community
10 Development Block Grant Program
- 11 (13) Resolution Appointing Mary Jo Whatley (sic)
12 as the Union City Tenant Advocate Attorney.)

13

14 CITY CLERK: There are 13 items on the
15 Consent Agenda.

16 The first is a Resolution Approving the
17 Payment of Claims.

18 Second is a Resolution Approving the
19 Payment of Concurring Claims.

20 The third is a Resolution Approving Escrow
21 -- Escrow Refunds.

22 The fourth is a Resolution Approving the
23 City Payroll for the Period of May 11th, 2019
24 through May 24th, 2019.

25 The fifth is a Resolution Approving the

1 Library Payroll for the Period of May 11th, 2019
2 through May 24th, 2019.

3 Sixth is a Resolution Authorizing the City
4 Clerk to Advertise for Bids for Lead Service
5 Replacement on Palisade Avenue.

6 Seventh is a Resolution Authorizing the
7 City Clerk to Advertise for the 2019 Citywide
8 Sidewalk Repair.

9 The eighth is a Resolution Referring
10 Ordinance 2019-8 to the Union City Planning Board
11 Pursuant to N.J.S.A. 40:55D-64.

12 The ninth is a Resolution Approving a
13 Raffle License to Saint Augustine Church.

14 The tenth is a Resolution Authorizing a
15 Refund of Redemption Monies to Outside
16 Lienholders.

17 The eleventh is a Resolution Cancelling
18 Taxes on City Owned Property; 3316 Palisade
19 Avenue.

20 The twelfth is a Resolution Approving the
21 FY2019 Community Development Block Grant Program.

22 The thirteenth is a Resolution Appointing
23 Mary Jo Whateley as the Union City Tenant
24 Advocate Attorney.

25 Mayor, at this time would you like to take

1 public comment on the Consent Agenda?

2 MAYOR STACK: Sure.

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

6 Seeing none.

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

9 COMMISSIONER FERNANDEZ: Motion.

10 CITY CLERK: Motion by Commissioner
11 Fernandez.

12 COMMISSIONER GRULLON: Second.

13 CITY CLERK: Second by Commissioner
14 Grullon.

15 COMMISSIONER GRULLON: Um-hum.

16 CITY CLERK: 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: Thank you.

2 May I have a motion to approve all items on
3 Consent?

4 COMMISSIONER VALDIVIA: Motion.

5 CITY CLERK: Motion by Commissioner
6 Valdivia.

7 Second?

8 COMMISSIONER FERNANDEZ: Second.

9 CITY CLERK: Second by Commissioner
10 Fernandez.

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: Thank you.

22

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

25 **REGULAR AGENDA:**

1 1. RESOLUTION APPROVING A PAYMENT TO THE
2 HUDSON COUNTY IMPROVEMENT AUTHORITY.)

3

4 CITY CLERK: There are one -- there's one
5 item on the Regular Agenda.

6 It's a Resolution Approving a Payment of
7 Claim to the Hudson County Improvement Authority.

8 May I have a motion to approve the item?

9 MAYOR STACK: Motion.

10 CITY CLERK: Motion by --

11 COMMISSIONER GRULLON: Second.

12 CITY CLERK: -- Mayor Stack.

13 Second by Commissioner 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 is
21 recusing.

22 Mayor Stack?

23 MAYOR STACK: Yes.

24 CITY CLERK: Thank you.

25

1 OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:

2

3 CITY CLERK: Mayor, at this time would you
4 like to take public comment on any item
5 concerning government in the City of Union City?

6 MAYOR STACK: Yes.

7 Just -- just if I may, just going back on
8 the Consent Agenda, the lead service replacement,
9 we're working together with the water company to
10 see what we could do to come up with -- have the
11 water company replacing lead services throughout
12 the City in many different streets in the City.

13 But we're dedicating -- being that we're
14 dedicating so much funding to Palisade Avenue,
15 we're making sure that they're replacing
16 everything up to the curb stop and then the City
17 will be replacing from the curb stop into the
18 house to try to eliminate any lead on Palisade
19 Avenue in one shot.

20 Then we're doing that throughout the City.

21 There's not -- on Palisade Avenue between
22 2nd and 30th Street, I'm not sure right now, we
23 might have about 50 services. That list could
24 grow. But we feel it's money well spent right
25 now by doing what we're doing on Palisade,

1 eliminating the need -- if anybody ever needs to
2 open the -- the roadway or the sidewalks to
3 replace the lead service.

4 We're getting involved with the water
5 company. Hopefully the Board of Public Utilities
6 will be offering some incentive also toward
7 people replacing these pipes.

8 If a homeowner does it on their own, it's
9 about \$8,000.00. If we do it for them, en masse,
10 it will cost about a thousand dollars believe it
11 or not. Probably about thirteen, \$1400.00.

12 COMMISSIONER FERNANDEZ: Wow.

13 MAYOR STACK: But for an average two family
14 homeowner, which first can't even afford it -- or
15 a three family homeowner, it would be about
16 \$8,000.00, on average, if they hired their own
17 person.

18 We'll be going out -- that's why we're
19 going out for bid on this matter right now to
20 advertise for bids for the lead services.

21 We're probably about 50 right now and we're
22 working on an incentive program with both the
23 water company, and with the Board of Public
24 Utilities.

25 The Board of Public Utilities -- and I

1 | could say this on the record -- is very slow in
2 | getting things done. So, obviously, the City
3 | must take it into our own hands and try to
4 | alleviate this -- any further lead problem in
5 | homes.

6 | Having said that, is there anyone who has
7 | any questions on the agenda; please step forward,
8 | state your name and address for the record. Or
9 | any matter concerning government.

10 | MS. DILLON: Right here.

11 | MR. PRICE: Sure.

12 | Larry Price, 1006 Palisade.

13 | Just as a follow-up there. From 2nd Street
14 | to 30th Street there are 50. How were the 50
15 | sites on Palisade Avenue determined as being
16 | problem properties?

17 | Were there testing or -- by the City --

18 | MAYOR STACK: We're -- we're actually going
19 | out, Larry, we're actually going out -- in fact,
20 | we're starting tonight, and we're starting to
21 | knock on doors and -- of the homeowners,
22 | obviously, to get into the basements. We want to
23 | be double sure.

24 | If the water company had on their end that
25 | it was a lead service, -- they kept records on

1 their end that's it's a lead service, they're
2 going in and replacing it up to the curb stop.

3 We're taking the approach believing that if
4 it went to the curb stop and it was lead, more
5 than likely, unless it was a new structure that
6 went up or -- or a rehab or a major renovation,
7 the lead line is still in the ground.

8 But we're still sending people into the
9 houses. So we -- right now we're looking about
10 50, between 2nd and 30th.

11 MR. PRICE: Okay.

12 MAYOR STACK: Just from our estimation by
13 going from the water company records.

14 That list may grow or it may decrease
15 depending on if there was major work done.

16 MR. PRICE: Okay.

17 MAYOR STACK: But let's say -- let's say --
18 like a -- a good point would be -- a good point
19 would be Firefighters Memorial Park.

20 So when that was the old Doric Temple, you
21 know, the Masonic --

22 MR. PRICE: Yes.

23 MAYOR STACK: -- whatever it was at the
24 time, that had a lead service going in.

25 Since we took the pool over and everything

1 back when we did it in 2008/2009, we ripped that
2 service out and put a new service in.

3 So that's one less that's on their list.

4 MR. PRICE: Got it. Okay.

5 I mean I live at 1006 Palisade. That's a
6 20 unit building. God only knows.

7 But -- but if for 1300 bucks we could --
8 for 20 apartments, eliminate any risk of --

9 MAYOR STACK: Right.

10 MR. PRICE: -- that's -- that's a hundred
11 dollars an apart-- or, not even, 50 bucks an
12 apartment.

13 MAYOR STACK: And if that's lead, -- we
14 were going to go up to three family homes and
15 then we took the approach -- Ralph Tango and
16 myself talking about it, if it -- if it's lead
17 and that building has a lead line going in, more
18 than likely we're going to go in and just replace
19 the line.

20 MR. PRICE: Yeah.

21 MAYOR STACK: It -- it doesn't make sense
22 to leave it in there.

23 MR. PRICE: Yeah. For 50 bucks an
24 apartment, --

25 MAYOR STACK: No. No, you know what will

1 | happen, not so much in that building but you'll
2 | find another building, let's say another building
3 | up the block, and that building will wait and say
4 | no, we're going to do it at a later time. And
5 | I'll get the street paved and the sidewalks done
6 | and they'll want to rip it up. And they're going
7 | to have to post a bond for a hundred thousand
8 | dollars to redo the whole street. It doesn't
9 | even make sense.

10 | MR. PRICE: Doesn't -- yeah.

11 | MAYOR STACK: No.

12 | MR. PRICE: Because the whole street is --

13 | MAYOR STACK: Right.

14 | And there's talk right now at the Board of
15 | Public Utilities --

16 | This is only an application right now.

17 | -- that they're going to be granting a
18 | thousand dollars for a small homeowner who income
19 | qualifies, whether it be a senior or low income
20 | homeowner, they're going to grant the thousand
21 | dollars.

22 | If that happens I have a commitment from
23 | the water company that they'll work with us to
24 | back and give it back to the City of Union City.
25 | So the cost will be -- it will come out pretty

1 even at the end of the day. And it's worth it
2 with the health risk.

3 MR. PRICE: Oh.

4 MAYOR STACK: It's worth it.

5 MR. PRICE: Even if you don't get the money
6 back.

7 MAYOR STACK: Exactly right.

8 MR. PRICE: It's --

9 MAYOR STACK: It's worth it. It's worth
10 it.

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

13 Seeing none.

14 CITY CLERK: May I have a motion to close
15 public comment?

16 MAYOR STACK: Motion.

17 COMMISSIONER GRULLON: Motion.

18 CITY CLERK: Motion by Mayor Stack.

19 Second by Commissioner Grullon.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 CITY CLERK: Commissioner Grullon?

23 COMMISSIONER GRULLON: Yes.

24 CITY CLERK: Commissioner Valdivia?

25 COMMISSIONER VALDIVIA: Yes.

1 CITY CLERK: Commissioner Martinetti?

2 COMMISSIONER MARTINETTI: Yes.

3 CITY CLERK: Commiss-- Mayor Stack?

4 MAYOR STACK: Yes.

5 CITY CLERK: Thank you.

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1 LIQUOR LICENSE MATTERS:

2 1. Vanessa Café

3 t/a Vanessa Café

4 Location: 120 43rd Street

5 Liquor License No. 0910-33-029-008

6 2. JRV Restaurant, Inc.

7 t/a El Papaturro

8 Location: 1018 Summit Avenue

9 Liquor License No. 0910-33-137-005

10 3. Sai Prasad Inc.

11 t/a Bergenline Liquors

12 Location: 3819 Bergenline Avenue

13 Liquor License No. 0910-32-066-004

14

15 CITY CLERK: Mayor, at this time we have

16 Liquor License Matters.

17 MAYOR STACK: Okay.

18 CITY CLERK: Mr. Farmer?

19 MAYOR STACK: Sure.

20 MR. FARMER: Yes.

21 Not yet.

22 A VOICE: Not yet.

23 MAYOR STACK: And just to everyone who's

24 here. I appreciate your patience that this

25 meeting was moved quickly on Thursday. It's just

1 | that the event that we had -- the concert and the
2 | public event that we had was moved from Thursday,
3 | due to the thunderstorms and rain, to today.

4 | So I appreciate everybody's patience moving
5 | the meeting to 12 noon.

6 | I really don't like morning or afternoon
7 | meetings but this was necessary due to the event
8 | being held tonight.

9 | Looks like we're going to have rain again
10 | but regardless of that.

11 |

12 | * * *

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1 JRV Restaurant, Inc.

2 t/a El Papaturro

3 Location: 1018 Summit Avenue

4 Liquor License No. 0910-33-137-005

5

6 MR. FARMER: This is El Papaturro.

7 I'd like to do number 2; just skip over
8 Vanessa Café. Vanessa Café will have some
9 dialogue with it.

10 MAYOR STACK: Okay.

11 MR. FARMER: The licensee is here and I've
12 spoken to him.

13 El Papaturro is just like the next one,
14 which is Bergenline Liquor.

15 And this is a violation of a condition; a
16 condition with having cameras in the licensed
17 premises.

18 Both licensees had cameras but the capacity
19 was, in one case, ten days; in another case, 20
20 days. They were unaware that it was 20 and got
21 surprised that the Board has now extended it to
22 60 days.

23 Both of them went to the people who put the
24 cameras in, made the necessary arrangements to
25 create the hard drive to accommodate 30 days.

1 And what I did was I, with -- along with
2 Lieutenant Loaces, said look, since you've cured
3 the problem but you were in violation of the
4 condition, we'll give you a five day suspension
5 but we'll suspend the five days. Don't get in
6 any problem for six months; we'll dismiss the
7 case.

8 They've complied with putting it in the way
9 they -- they are going to have to update it to 60
10 but each one of them has made it to 30 when they
11 only had ten and 20 days before.

12 MAYOR STACK: Okay.

13 MR. FARMER: Did you hear what I said?

14 MS. DILLON: Just --

15 MR. CLAROS: Yes.

16 MS. DILLON: -- state your name for the
17 record.

18 Step forward.

19 MR. CLAROS: Juan Claros.

20 MS. DILLON: Thank you.

21 MR. FARMER: And you're the licensee at
22 El Papaturro?

23 MR. CLAROS: Yes.

24 MR. FARMER: And we just had a
25 discussion --

1 MR. CLAROS: Yes.

2 MR. FARMER: -- about the cameras?

3 MR. CLAROS: Yes.

4 MR. FARMER: And you contacted the person
5 who put the cameras in and they have changed and
6 created a bigger hard drive for you.

7 MR. CLAROS: Exactly.

8 I was --

9 I'm sorry.

10 MR. FARMER: Go ahead.

11 MR. CLAROS: I was under the transition of
12 -- because the video that -- the set of cameras,
13 video was very poor. So I changed the -- the
14 system.

15 The only problem it didn't give me the
16 option to say -- like the old one, to say keep it
17 for 30 days, for 60, 90. The old one used to
18 give you the option.

19 But this new system, better video, but it
20 doesn't give you the option to put it X amount of
21 days that you want, whether you want 45 or
22 whatever.

23 Now I spoke with technical support and they
24 told me what to do and I was able to get more
25 than 30 days. I am monitoring -- I have it up to

1 28 today.

2 But it's going -- it's going -- the guy
3 that I spoke with in technical support he said
4 that it's going to cover more than 30 days.

5 But now he told me that they want 60 days,
6 so I'm going to have to either buy a system that
7 actually gives me the option for 60 days, 90 days
8 and fix it. But --

9 MAYOR STACK: Okay.

10 MR. CLAROS: -- up to this point I have for
11 30 days, perhaps more.

12 MAYOR STACK: Okay.

13 MR. FARMER: You're -- and you're in
14 agreement that you're going to get, because you
15 weren't in compliance, a five day suspension but
16 we're going to suspend that five days.

17 MR. CLAROS: Yes.

18 MR. FARMER: No problem in six months, we
19 dismiss the case.

20 MR. CLAROS: Perfect.

21 MR. FARMER: You're in agreement with that?

22 MR. CLAROS: Yes.

23 MR. FARMER: You want to get yourself a
24 lawyer?

25 MR. CLAROS: No.

1 MR. FARMER: Okay.

2 Any questions?

3 MR. CLAROS: No, no.

4 MR. FARMER: Okay.

5 MAYOR STACK: Thank you, Mr. Claros.

6 MR. CLAROS: All right.

7 MAYOR STACK: I'll make a motion to

8 approve.

9 CITY CLERK: Motion by Mayor Stack.

10 Second?

11 COMMISSIONER MARTINETTI: Second.

12 CITY CLERK: Second by Commissioner

13 Martinetti.

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: Thank you.

25 MR. FARMER: Okay.

1 MR. CLAROS: Thank you.

2 MR. FARMER: All right.

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1 Vanessa Café

2 t/a Vanessa Café

3 Location: 120 43rd Street

4 Liquor License No. 0910-33-029-008

5

6 MR. FARMER: So, Vanessa Café.

7 Stand right over here.

8 Okay, you want to put your appearance in
9 and swear the witness.

10 (Whereupon, Sol Villon, Interpreter,
11 translated for Nestor Variselli.)

12 MR. VARISELLI: Nestor Oswaldo Variselli.

13 MS. DILLON: Please raise your right hand.

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

16 THE INTERPRETER for MR. VARISELLI: I
17 swear.

18 MS. DILLON: Okay.

19 I need his name and spell it for the
20 record.

21 MR. VARISELLI: Nestor.

22 MS. DILLON: Nestor.

23 THE INTERPRETER for MR. VARISELLI: Right.
24 Nestor.

25 MR. VARISELLI: Oswaldo.

1 THE INTERPRETER for MR. VARISELLI:

2 Oswald.

3 MR. VARISELLI: Um-hum.

4 MS. VILLON: Oswald. O-S-W-A-L-D-O.

5 MR. VARISELLI: Variselli.

6 THE INTERPRETER for MR. VARISELLI:

7 Variselli.

8 MS. VILLON: Variselli. V-A-- V-A-R-I-S-E-

9 L-I. Variselli.

10 Double L at the end.

11 MS. DILLON: Thank you.

12 MR. FARMER: Okay.

13 Can you swear this woman in please?

14 MS. DILLON: Please raise your right hand.

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

17 MS. LUNA: Yes.

18 MS. DILLON: Can you please state your name
19 and spell it for me?

20 MS. LUNA: Sure.

21 Daribell Luna. D-A-R-I-B-E-L-L. Last name
22 Luna.

23 MS. DILLON: L-U-N-A?

24 MS. LUNA: Yup.

25 MS. DILLON: Thank you.

1 MS. LUNA: Oh, just the two Ls. No A.

2 That's good. Um-hum.

3 Thank you.

4 MR. FARMER: Okay.

5 Now, Miss Luna, you're intending to change
6 -- to buy the corporation or be a part of the
7 corporation that is the licensed premises.

8 Correct?

9 MS. LUNA: Yes. Purchase the license.

10 MR. FARMER: Okay.

11 Now Mr. Paneque represents you?

12 MS. LUNA: Yes.

13 MR. FARMER: And you're under the
14 understanding that it's been filed -- the
15 application?

16 MS. LUNA: Yes.

17 MR. FARMER: Now, you know that this
18 licensed premises has been a very bad problem.

19 Are you aware of that?

20 MS. LUNA: Yes.

21 MR. FARMER: You got to answer --

22 MS. LUNA: Yes.

23 MR. FARMER: -- verbally.

24 MS. LUNA: Yes.

25 MR. FARMER: What kind of operation are you

1 going to do as compared to the operation that's
2 going on right now that's causing all the
3 problems?

4 MS. LUNA: Well right now I want to
5 actually take out like the band -- that is has,
6 with the music complaints and things like that.

7 So I wanted to keep it more like tapas;
8 more of like -- not full on restaurant but just
9 have appetizers and things like that.

10 And just the music-wise, obviously, I want
11 to be able to be there more so I could see if
12 it's getting loud but definitely want to like
13 focus on having like music not to be as loud.

14 And not more of a bar or lounge feel but
15 just more like a restaurant, like more relaxed,
16 like tapas style, tapas place.

17 MR. FARMER: Are you aware that if the
18 Board should consider this application, given the
19 past history of that license premises, if it --
20 if it continues that way -- because a lot -- a
21 lot -- I can't -- I can't express too often --

22 Excuse me.

23 -- I can't express too strongly that the
24 neighborhood has been very upset with their
25 quality of life because of the nuisance that's

1 | been going on at that bar.

2 | So if you get a transfer here, you're going
3 | to be on thin ice, and they're going to be
4 | watching you very carefully.

5 | And if there's a repetition of loud music,
6 | you're going to be here and the Board is not
7 | going to treat you favorably.

8 | MS. LUNA: I understand.

9 | Like I said I definitely want to stay away
10 | from that. I've mentioned it, you know, about
11 | buying this. I have mentioned to my mother that
12 | I want to change the whole vibe of the place.

13 | And I know in the area is, you know,
14 | changing, a lot more apartment buildings, there's
15 | more people, you know, that work and that do have
16 | to be up the next day and I'm aware of that.

17 | So I would -- I am definitely gonna be on
18 | top of that. Just changing the whole atmosphere
19 | for the bar.

20 | MR. FARMER: Any questions?

21 | MAYOR STACK: No. I'm good so far.

22 | MR. FARMER: Okay.

23 | MAYOR STACK: When -- when is this going to
24 | happen?

25 | MS. LUNA: Well, right now we're just

1 waiting for the transfers. As of now, we're --
2 we're just focusing mainly on the kitchen. I'm
3 making sure that the kitchen gets clean; buying
4 all new things. That's what's taking a little
5 bit longer than we expected.

6 But definitely by like -- I'm saying -- I'm
7 -- I'm focusing more towards like June, July that
8 I have -- I'm getting more in there and things
9 are changing.

10 We'll start having food and just like
11 promoting the place differently. Saying that
12 it's gonna be a different establishment, owned by
13 a different person. Just trying to like get
14 things rolling from there.

15 MR. FARMER: Lieutenant --

16 LIEUTENANT LOACES: I have --

17 MR. FARMER: Yes.

18 LIEUTENANT LOACES: -- I have a few
19 questions about --

20 MR. FARMER: But let me just ask you.

21 LIEUTENANT LOACES: Sure.

22 MR. FARMER: I had asked you to check to
23 see if it had been filed -- the application and
24 all that.

25 Can you --

1 LIEUTENANT LOACES: That's --

2 MR. FARMER: -- share with us what you
3 found out?

4 LIEUTENANT LOACES: Now, my understanding
5 is, when I contacted the Record Room, was that
6 the application that had been filed was not a
7 person to person. Which means that he is not
8 going to relinquish the license and sell it to
9 you.

10 The application that's actually been filed
11 is a change of structure. Which means that you
12 are going to get added on to the current license.

13 Is that correct?

14 MS. LUNA: Well, no, my understanding with
15 my lawyer, it was that I'm purchasing the
16 license.

17 LIEUTENANT LOACES: That he's going to be
18 completely out of it?

19 MS. LUNA: He'll be completely out of it.
20 Yes.

21 LIEUTENANT LOACES: Okay, then my
22 understanding is you filed the wrong application.

23 MS. LUNA: Okay, so that will have to be --

24 I'll call my lawyers. Yeah, she told me
25 she had filed it but, as that, as me being the

1 owner.

2 LIEUTENANT LOACES: Sure. I understand.

3 MS. LUNA: And he has -- gonna be nothing
4 to do with it like for --

5 LIEUTENANT LOACES: Now are you --

6 MS. LUNA: -- moving forward.

7 LIEUTENANT LOACES: -- are you related to
8 the licensee?

9 MS. LUNA: No.

10 LIEUTENANT LOACES: Because I believe the
11 young lady we met with --

12 MS. LUNA: Well, --

13 LIEUTENANT LOACES: -- on Thursday told
14 me --

15 MS. LUNA: -- yes, my mother --

16 LIEUTENANT LOACES: -- this was your
17 daughter.

18 MS. LUNA: -- yeah. It's --

19 LIEUTENANT LOACES: You're her daughter?

20 MS. LUNA: Yes. Her daughter.

21 LIEUTENANT LOACES: And she's the manager?

22 MS. LUNA: Yes.

23 LIEUTENANT LOACES: He's the owner?

24 MS. LUNA: He's the owner now.

25 LIEUTENANT LOACES: And no relation?

1 MS. LUNA: Yeah.

2 LIEUTENANT LOACES: Okay.

3 MS. LUNA: No. Yeah.

4 LIEUTENANT LOACES: Okay.

5 And now do you have any experience owning a
6 bar or a restaurant or --

7 MS. LUNA: Well, I do work --

8 LIEUTENANT LOACES: -- anything like that?

9 MS. LUNA: I'm currently working for a
10 restaurant. I worked in the industry for like 15
11 years.

12 I've been a server, bartender, hostess. So
13 I've been in the hospitality business.

14 LIEUTENANT LOACES: Okay. Where is that?
15 If you don't mind --

16 MS. LUNA: Right now I'm working in Hudson
17 Blue Bar, which is in Weehawken.

18 LIEUTENANT LOACES: Okay.

19 MR. FARMER: Now you understand that a
20 condition of this is that the gentleman who's the
21 present licensee will have absolutely no interest
22 in the new establishment.

23 MS. LUNA: No. That's exactly how I want
24 it to be. That's how -- where I was when they
25 filed the lic-- the rest of the paperwork for it.

1 LIEUTENANT LOACES: One more -- one more
2 quick question.

3 MS. LUNA: Sure.

4 LIEUTENANT LOACES: I'm sorry. I don't --

5 MS. LUNA: I'm sorry.

6 LIEUTENANT LOACES: -- know if you answered
7 the Mayor or not. Or, if you did, I didn't
8 understand.

9 When do you plan to do this?

10 When do you plan for this to become in
11 effect where you are now actually in charge, he's
12 out, and the place is open for business?

13 MS. LUNA: Well, I'm just, right now, I'm
14 waiting for like the call from my -- my lawyer
15 just to tell me. Because she -- the last time I
16 spoke to her she said that all the paperwork has
17 been sent. Obviously, she has done the wrong the
18 paperwork so it has to be redone.

19 So I'm just -- it just -- well, like the
20 changing process I'm not really familiar how it
21 goes here --

22 LIEUTENANT LOACES: Sure.

23 MS. LUNA: -- that's where I'm a little
24 confused.

25 But as soon as he's out of the paper and

1 I'm in there officially and I got my paperwork,
2 that's when I'm gonna -- I can start doing all
3 like changes.

4 But as of now my mom already started by
5 like not -- like having the music low, putting in
6 things like that. So she's already been aware
7 that, you know, this has to happen even if I'm
8 not there yet -- with the music.

9 LIEUTENANT LOACES: One more quick
10 question.

11 MS. LUNA: Sure.

12 LIEUTENANT LOACES: I'm sorry.

13 The Mayor asked you about how's it going to
14 be different -- or Mr. Farmer asked.

15 MS. LUNA: Yes.

16 LIEUTENANT LOACES: I know there's pool
17 tables in there. Are we going to keep the pool
18 tables in?

19 MS. LUNA: I don't want to keep them
20 personally. I spoke to my mother about it. If
21 we are gonna keep it, we're just gonna have one
22 and that one's gonna go like in the back.

23 But other than that, we're gonna take the
24 pools tables from the front of the bar, for sure.

25 LIEUTENANT LOACES: Because -- and I'm just

1 giving you my experience.

2 MS. LUNA: Yeah.

3 LIEUTENANT LOACES: Liquor license
4 establishments that have pool tables equal
5 fights, noise, --

6 MS. LUNA: Yeah.

7 LIEUTENANT LOACES: -- complaints.

8 MS. LUNA: That's part of it.

9 LIEUTENANT LOACES: And if you're trying to
10 change the whole ambiance, the whole --

11 MS. LUNA: Yeah.

12 LIEUTENANT LOACES: -- look, feel, --

13 MS. LUNA: Yeah.

14 LIEUTENANT LOACES: -- that might be
15 somewhere you want to start.

16 MS. LUNA: Okay, yeah, --

17 LIEUTENANT LOACES: That's just my opinion.

18 MS. LUNA: -- definitely that -- being that
19 you brought up because that -- (indiscernible) --
20 something that I've been talking about it.

21 MAYOR STACK: Is there any course, Greg, or
22 anything that the young lady could take before
23 she opens to -- to know what the rules and
24 regulations are with the State ABC?

25 Anything that we offer or could assist her?

1 MR. FARMER: Well, we've -- yes. And I'll
2 let you know about that.

3 MAYOR STACK: That might be a good idea.
4 Just so you --

5 MS. LUNA: Yeah, I'll --

6 MAYOR STACK: -- start off on --

7 MR. FARMER: Now, going back -- and you're
8 going to have to come back here again --

9 MS. LUNA: Okay.

10 MR. FARMER: -- for the actual transfer.

11 MS. LUNA: Yes.

12 MR. FARMER: So, by that time, you'll have
13 completed the course, hopefully, and you'll be
14 able -- and you'll have your plan more
15 crystallized. So perhaps you'll be more clear on
16 exactly, precisely, what you're going to do.

17 MS. LUNA: Yes.

18 MR. FARMER: Now, I want to switch over to
19 the licensee here.

20 We had -- we had a meeting with your
21 manager and I assume she told you what the
22 results of the meeting were?

23 THE INTERPRETER for MR. VARISELLI: Yes.

24 MR. FARMER: And there was an incident on
25 April 18th where the music was really loud.

1 THE INTERPRETER for MR. VARISELLI: Well, I
2 find it's mostly because of my neighbor from
3 above who I've had problems with in the past.
4 But for a while, long time, no problems at all
5 except for that one tenant above me.

6 MAYOR STACK: But what -- what -- is there
7 a window open or a back door open, anything open,
8 that the sound emanates out of? Why we get so
9 many complaints?

10 THE INTERPRETER for MR. VARISELLI: No, it
11 was the neighbor from --

12 MAYOR STACK: No, no but --

13 THE INTERPRETER for MR. VARISELLI: --
14 above mostly.

15 MAYOR STACK: No, but I get calls from the
16 neighborhood.

17 Is -- is there windows that are left open?
18 Or is there a back door open?

19 MR. VARISELLI: No.

20 THE INTERPRETER for MR. VARISELLI: No, all
21 the doors -- emergencies, even locked.

22 MAYOR STACK: John, --

23 LIEUTENANT LOACES: Sir?

24 MAYOR STACK: -- is -- is there -- is there
25 an issue here with -- with a back door open or

1 something?

2 Because I get a lot of complaints from --

3 LIEUTENANT LOACES: What it is is there's

4 -- there's like an alley --

5 MAYOR STACK: I mean how's it --

6 LIEUTENANT LOACES: -- right --

7 MAYOR STACK: -- getting out the sound?

8 LIEUTENANT LOACES: -- just south of it.

9 MAYOR STACK: Okay.

10 LIEUTENANT LOACES: And I suspect that that

11 alley -- well, I know there's a door in that

12 alley. I suspect that door in that alley is

13 sometimes open when it shouldn't be. Possible.

14 I know -- I've been into this establishment

15 when there's a lot of people there. It gets very

16 hot and muggy. So I think the door's --

17 MAYOR STACK: But -- but is there any way

18 of just using that door as an emergency access

19 and keeping it closed at all other times?

20 Because I think that's where the issues are

21 coming from.

22 LIEUTENANT LOACES: And --

23 MAYOR STACK: People told me that they saw

24 people --

25 You know what was told to me by residents

1 -- and not the lady upstairs, I'm not even sure
2 who that person is. But across the street from
3 it, they see people entering and exiting from
4 that door. I thought it was a back door but now
5 you're telling me it's an alleyway.

6 LIEUTENANT LOACES: It looks like a long
7 alleyway. And that alleyway --

8 MAYOR STACK: Does that come right out to
9 the street?

10 LIEUTENANT LOACES: It does.

11 And the fact with that long alleyway, is
12 that it actually leads -- if you go walk all the
13 way back, in essence, you end up right behind
14 those condo buildings that are there now.

15 MAYOR STACK: There's no fence up?

16 LIEUTENANT LOACES: There is.

17 But I'm just saying, as far as the noise,
18 --

19 MAYOR STACK: The noise.

20 LIEUTENANT LOACES: -- any noise, and when
21 you're up high up against a wall, noise travels
22 up.

23 MAYOR STACK: Travels up.

24 We got that complaint, you and I remember,
25 Celin? You were with me.

1 COMMISSIONER VALDIVIA: Yes.

2 THE INTERPRETER for MR. VARISELLI: I'll
3 make sure that that's locked and only for an
4 egress emergency.

5 MAYOR STACK: Please.

6 LIEUTENANT LOACES: Put a push bar maybe.

7 MAYOR STACK: A push bar on there or
8 something.

9 And -- and clear signage; not an exit.

10 Right.

11 And also in Spanish. That would be good.
12 Please.

13 That would help a lot with the noise
14 problems I think. And also, ease the burden on
15 the -- on the business with all the calls.

16 MS. LUNA: Okay.

17 THE INTERPRETER for MR. VARISELLI:
18 Perfect. I will do that.

19 MR. FARMER: Would it surprise you that the
20 Police have received 23 complaints of noise from
21 your establishment?

22 THE INTERPRETER for MR. VARISELLI: Yes, it
23 does surprises me because when it comes to fights
24 and loud noises, I've never had an issue with
25 anyone in there. But it's possible because of

1 | what you said.

2 | And I'm gonna do everything possible to
3 | keep that door closed.

4 | MAYOR STACK: Good.

5 | MR. FARMER: And if the Board --

6 | THE INTERPRETER for MR. VARISELLI: He's
7 | gonna -- I'm gonna set it up --

8 | MR. FARMER: -- if the Board should
9 | approve --

10 | THE INTERPRETER for MR. VARISELLI: -- as
11 | an emergency exit only.

12 | MR. FARMER: -- this license transfer in
13 | June or July, you will have absolutely no
14 | interest in this bar.

15 | Is that correct?

16 | THE INTERPRETER for MR. VARISELLI: At all,
17 | nothing at all.

18 | MR. FARMER: And you know that we have
19 | negotiated a plea where there will be an eight
20 | day suspension starting June 9th.

21 | MS. VILLON: Nine days?

22 | MR. FARMER: Eight days.

23 | LIEUTENANT LOACES: Eight.

24 | MS. VILLON: June 9th.

25 | MR. FARMER: And you can --

1 THE INTERPRETER for MR. VARISELLI: Yes.
2 True.

3 MR. FARMER: -- rest assure that if there's
4 a repetition of disturbances at this place after
5 the eight day suspension but before it gets
6 transferred, and if those offenses are
7 substantiated, the Board will treat you very
8 seriously.

9 Are you aware of that?

10 THE INTERPRETER for MR. VARISELLI: Yes.

11 MR. FARMER: And you're in agreement for
12 the eight day suspension?

13 THE INTERPRETER for MR. VARISELLI: Yes.

14 MR. FARMER: Okay, I have no further
15 questions.

16 MAYOR STACK: Any -- any members of the
17 Board of Commissioners have a question?

18 John, you have anything further?

19 LIEUTENANT LOACES: No.

20 MAYOR STACK: Okay, Greg.

21 MR. FARMER: Okay.

22 THE INTERPRETER for MR. VARISELLI: Will
23 that commence -- can I commence to --

24 (Whereupon, Lieutenant Loaces addressed Mr.
25 Variselli in Spanish.)

1 THE INTERPRETER for MR. VARISELLI: You
2 know the alleyway door that I have to work on,
3 during those eight days of suspension, can I
4 actually do the labor work on that door?

5 MR. FARMER: Yes.

6 MAYOR STACK: Yeah. That's good.

7 MR. FARMER: Okay.

8 Is there a motion?

9 CITY CLERK: Yeah, may I have a motion?

10 MAYOR STACK: Motion.

11 CITY CLERK: Motion by Mayor Stack.

12 Second?

13 COMMISSIONER VALDIVIA: Second.

14 CITY CLERK: Second by Commissioner
15 Valdivia.

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: Thank you.

2 MR. FARMER: Okay.

3 All right.

4 We'll be seeing you.

5 MAYOR STACK: Thank you very much.

6 Thank you.

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

9 (Whereupon, Commissioner Valdivia left the
10 meeting at 12:42 p.m.)

11

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1 Sai Prasad Inc.

2 t/a Bergenline Liquors

3 Location: 3819 Bergenline Avenue

4 Liquor License No. 0910-32-066-004

5

6 MR. FARMER: Okay, the last one is
7 Bergenline Liquor.

8 Mr. Sarsano and I, --

9 MAYOR STACK: He's right there.

10 MR. FARMER: Is he?

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

13 MR. FARMER: -- along with Lieutenant
14 Loaces, --

15 Tony, why don't you put your appearance in?

16 MR. SARSANO: Good afternoon.

17 My name's Anthony Sarsano.

18 I represent the licensee in this matter in
19 front of you, Bergenline Liquor.

20 MAYOR STACK: Which -- which one is this?

21 COMMISSIONER MARTINETTI: 38th --

22 MR. SARSANO: 38th --

23 MR. FARMER: The last one.

24 CITY CLERK: Bergenline Liquor.

25 MAYOR STACK: Oh, okay.

1 MR. FARMER: Bergenline Liquor.

2 MAYOR STACK: Okay.

3 MR. FARMER: This, again, is just the same
4 as El Papaturro.

5 The gentleman had cameras there. It only
6 recorded, I think, ten days. And Lieutenant
7 Loaces was at the plea meeting on Thursday, along
8 with the licensee.

9 The licensee showed documented proof that
10 he had changed it and got the technical support
11 in order to extend it to 30 days.

12 And, again, what I would suggest is a five
13 day suspension; suspend the suspension. And he's
14 in compliance. Now he's got to go for 60. But
15 he's in compliance with at least the 30 days and
16 will do 60.

17 And Mr. Sarsano was there to confirm
18 everything I'm saying. I think the gentleman is
19 on his way because Mr. Sarsano spoke to him. I
20 just think because of all of the parking problem
21 and --

22 MAYOR STACK: Right. No problem.

23 MR. FARMER: -- congestion --

24 MAYOR STACK: I got it.

25 Okay.

1 MR. FARMER: You agree with that, Tony?

2 MR. SARSANO: I do. The only reason he's
3 not here is, you know, a mix-up, some
4 miscommunication.

5 MAYOR STACK: Sure. And with the time
6 change.

7 MR. SARSANO: Yeah. That's -- everything
8 Mr. Farmer said is accurate.

9 MAYOR STACK: I got it.

10 Okay.

11 I'll make a motion to approve.

12 CITY CLERK: Motion by Mayor Stack.

13 COMMISSIONER MARTINETTI: Second.

14 CITY CLERK: Second?

15 Second?

16 COMMISSIONER MARTINETTI: Second.

17 CITY CLERK: Second by Commissioner
18 Martinetti.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes.

21 CITY CLERK: Commissioner Grullon?

22 COMMISSIONER GRULLON: Yes.

23 CITY CLERK: Commissioner Valdivia has
24 left.

25 Commissioner Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4 CITY CLERK: Thanks.

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1 **ADJOURNMENT:**

2

3 CITY CLERK: There are no other items on
4 the agenda.

5 May I have a motion to adjourn?

6 MAYOR STACK: Motion.

7 COMMISSIONER MARTINETTI: Motion.

8 CITY CLERK: Motion by Mayor Stack.

9 Second by Commissioner Martinetti.

10 All in favor?

11

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

13

14 MAYOR STACK: You got it.

15 CITY CLERK: Any opposed?

16 Thank you.

17

18 (Whereupon, the proceedings were concluded
19 at 12:46 p.m.)

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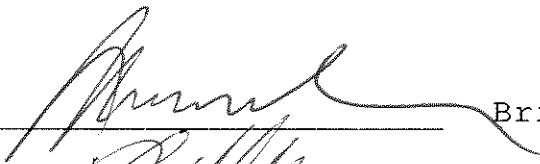
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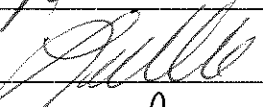
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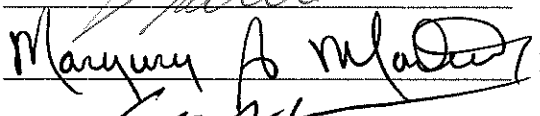
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 Brian P. Stack

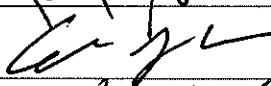
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 Lucio P. Fernandez

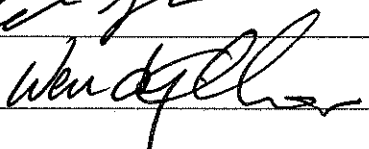
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 Maryury A. Martinetti

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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,

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City Clerk

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1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

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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, May 28, 2019 and digitally
10 recorded.

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Karen A. Marino

AOC 493

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25 Monitored and Proofread by: Deborah Dillon