

ORIGINAL

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

REGULAR MEETING

:  
:  
:  
:  
TRANSCRIPT OF RECORDED  
PROCEEDINGS

Washington School  
3905 New York Avenue  
Union City, New Jersey

Tuesday, September 8, 2020  
Commencing at 7:04 p.m.

M E M B E R S   P R E S E N T:

LUCIO P. FERNANDEZ, COMMISSIONER  
WENDY A. GRULLON, COMMISSIONER  
MARYURY A. MARTINETTI, COMMISSIONER  
CELIN J. VALDIVIA, 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

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

Eike Paneque, Esq.  
Attorney for Daribell Luna  
Vanessa Café to Crave 43 LLC

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1 CITY CLERK: You ready? Okay.

2 MAYOR STACK: Ready to go?

3 CITY CLERK: We're going to start the  
4 meeting.

5 MAYOR STACK: Everyone, if we --

6 CITY CLERK: Commissioners, --

7 MAYOR STACK: -- could just have everyone's  
8 attention?

9 CITY CLERK: -- we're going to start --

10 MAYOR STACK: We're going to start the  
11 meeting at this point.

12 CITY CLERK: Thank you.

13 This is a Regular Public Meeting of the  
14 Union City Board of Commissioners being held on  
15 Tuesday, September 8<sup>th</sup>, 2020, at seven p.m., at  
16 the Washington School, 3905 New York Avenue,  
17 Union City, New Jersey.

18 Please stand for the Pledge of Allegiance.

19

20 (Whereupon the Pledge of Allegiance was  
21 said by all.)

22

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

25 Adequate notice of the meeting has been

1 provided to The Jersey Journal, The Record, The  
2 Hudson Reporter, and has been posted on the  
3 bulletin board in City Hall and made available to  
4 the public in the Office of the Municipal Clerk.

5

6 **ROLL CALL:**

7

8 CITY CLERK: Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Here.

10 CITY CLERK: Commissioner Gullon?

11 COMMISSIONER GRULLON: Here.

12 CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Here.

14 CITY CLERK: Commissioner Martinetti?

15 COMMISSIONER MARTINETTI: Here.

16 CITY CLERK: Mayor Stack?

17 MAYOR STACK: Here.

18

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

21 **APPROVAL OF PREVIOUS MEETING MINUTES -**

22 **REGULAR MEETING - AUGUST 18, 2020.)**

23

24 CITY CLERK: The first item on the agenda  
25 is the Approval of the Meeting Minutes of August

1 18<sup>th</sup>, 2020.

2 May I have a motion to approve?

3 COMMISSIONER MARTINETTI: Motion.

4 CITY CLERK: Motion by Commissioner  
5 Martinetti.

6 Second?

7 COMMISSIONER VALDIVIA: Second.

8 CITY CLERK: Second by Commissioner  
9 Valdivia.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 CITY CLERK: Commissioner Grullon?

13 COMMISSIONER GRULLON: 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 CITY CLERK: Thank you.

21

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

24 **ORDINANCE(S) FOR HEARING AND ADOPTION**

25 **CONSIDERATION:**

1 1. ORDINANCE FOR SFY 2021 TO EXCEED THE  
2 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
3 ESTABLISH A CAP BANK.)

4

5 CITY CLERK: The next is an -- one  
6 Ordinance for Introduction.

7 Adoption on first reading authorizes the  
8 Municipal Clerk to advertise the Ordinance with  
9 the place -- location for public hearing and  
10 possible adoption.

11 That Ordinance will be heard again on  
12 Tuesday, September 22<sup>nd</sup>, 2020, at the Early  
13 Childhood Center, 2200 Kennedy Boulevard, Union  
14 City, New Jersey.

15 It's an Ordinance for the SFY 2021 to  
16 Exceed the Municipal Budget Appropriation Limits  
17 and to Establish a Cap Bank.

18 May I have a motion to introduce?

19 COMMISSIONER MARTINETTI: Motion.

20 CITY CLERK: Motion by Commissioner  
21 Martinetti.

22 Second?

23 COMMISSIONER VALDIVIA: Second.

24 CITY CLERK: Second by Commissioner  
25 Valdivia.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 CITY CLERK: Commissioner Grullon?

4 COMMISSIONER GRULLON: Yes.

5 CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 CITY CLERK: Commissioner Martinetti?

8 COMMISSIONER MARTINETTI: Yes.

9 CITY CLERK: Mayor Stack?

10 MAYOR STACK: Yes.

11

12 (Whereupon, the Board discussed and took  
13 action on the following items in total:

14 **CONSENT AGENDA:**

15 ( 1) Resolution Approving the Payment of Claims

16 ( 2) Resolution Approving the Payment of  
17 Concurring Claims

18 ( 3) Resolution Approving the Payment of Escrow  
19 Refunds

20 ( 4) Resolution Approving the City Payroll for  
21 August 29<sup>th</sup> through September 11, 2020

22 ( 5) Resolution Approving the Library Payroll  
23 for August 29<sup>th</sup>, 2020 through September 11, 2020

24 ( 6) Resolution Authorizing the Placement of a  
25 Lien on the Property known as 806 13<sup>th</sup> Street,

1 Union City, New Jersey, Block 68, Lot 11, in the  
2 City of Union City for Emergency Repair Costs  
3 ( 7) Resolution Awarding a Contract to S.  
4 Battata Construction, Inc. for the SFY 2020 CDA  
5 Road Project - 42<sup>nd</sup> Street and 47<sup>th</sup> Street  
6 ( 8) Resolution Awarding a Contract to FA  
7 Bartlett Tree Expert Company for the 2020 Webworm  
8 Tree Treatment - Phase 2  
9 ( 9) Resolution Awarding a Contract to S.  
10 Battata Construction, Inc. for the FY 2020 NJDOT  
11 35<sup>th</sup> Street Improvement Project (Bergenline Avenue  
12 to Kennedy Boulevard)  
13 (10) Resolution of the Board of Commissioners of  
14 the City of Union City, County of Hudson, New  
15 Jersey Authorizing the Submission of an  
16 Application to the New Jersey Local Finance Board  
17 Pursuant to N.J.S.A. 40a:3-1, et seq. and  
18 N.J.S.A. 40a:2-26  
19 (11) Resolution Appointing John Salierno, Esq.  
20 as Tenant Advocate  
21 (12) Resolution Authorizing the City Clerk to  
22 Advertise for Bids for the Summit Avenue Lighting  
23 Improvements (5<sup>th</sup> Street to 17<sup>th</sup> Street)  
24 (13) Resolution Authorizing the City Clerk to  
25 Advertise for Bids for the 2020-2021 Snow Removal

1 and Post Storm Services

2 (14) Resolution Authorizing Extension of a  
3 Contract for Solid Waste and Recycling Services

4 (15) Resolution Authorizing the City Clerk to  
5 Advertise for Bids for Solid Waste and Recycling  
6 Services .

7 (16) Resolution Authorizing Agreement with Cross  
8 River Fiber, LLC Providing Consent to Access  
9 Public Rights-of-Way for Installation of Utility  
10 Poles for Placement of Small Cell Wireless  
11 Facilities

12 (17) Resolution Authorizing the Refund of  
13 Premium Monies Collected at the Tax Sale

14 (18) Resolution Authorizing Refund of Redemption  
15 Monies to Outside Lienholders

16 (19) Resolution Authorizing the Tax Collector to  
17 Prepare, Complete and Mail as soon as practicable  
18 Estimated Tax Bills in accordance with the  
19 Procedures set forth in N.J.S.A. 54:4-66.2 and  
20 Authorizing an Estimated Annual Tax Levy pursuant  
21 to N.J.S.A. 54:4-66.2.)

22

23 CITY CLERK: There are 19 items on the  
24 Consent Agenda.

25 The first is a Resolution Approving the

1 Payment of Claims.

2 The second is a Resolution Approving the  
3 Payment of Concurring Claims.

4 The third is a Resolution Approving the  
5 Payment of Escrow Refunds.

6 The fourth is a Resolution Approving the  
7 City Payroll for the Period of August 29<sup>th</sup> through  
8 September 11<sup>th</sup>, 2020.

9 The fifth is a Resolution Approving the  
10 Library Payroll for the Period of August 29<sup>th</sup>  
11 through September 11<sup>th</sup>, 2020.

12 The sixth is a Resolution Authorizing the  
13 Placement of a Lien on a Property Known as 806  
14 13<sup>th</sup> Street, Union City, New Jersey, Block 68, Lot  
15 11, in the City of Union City for Emergency  
16 Repair Costs.

17 The seventh is a Resolution Awarding a  
18 Contract to S. Battata Construction, Incorporated  
19 for the SFY 2020 CDA Road Project, 42<sup>nd</sup> Street and  
20 47<sup>th</sup> Street.

21 The eighth is a Resolution Awarding a  
22 Contract to FA Bartlett Tree Expert Company for  
23 the 2020 Webworm Tree Treatment, Phase 2.

24 The ninth is a Resolution Awarding a  
25 Contract to S. Battata Construction, Incorporated

1 for the FY 2020 NJDOT 35<sup>th</sup> Street Improvement  
2 Project, Bergenline Avenue to Kennedy Boulevard.

3 The tenth is a Resolution of the Board of  
4 Commissioners of the City of Union City, County  
5 of Hudson, New Jersey Authorizing the Submission  
6 of an Application to the New Jersey Local Finance  
7 Board Pursuant to N.J.S.A. 40a:3-1, et seq. and  
8 N.J.S.A. 40a:2-26.

9 The eleventh is a Resolution Appointing  
10 John Salierno, Esquire, as Tenant Advocate.

11 The twelfth is a Resolution Authorizing the  
12 City Clerk to Advertise for Bids for the Summit  
13 Avenue Lighting Improvements, 5<sup>th</sup> Street to 17<sup>th</sup>  
14 Street.

15 The thirteenth is a Resolution Authorizing  
16 the City Clerk to Advertise for Bids for the  
17 '20-'21 Snow Removal and Post Storm Services.

18 The fourteenth is a Resolution Authorizing  
19 Extension of a Contract for Solid Waste and  
20 Recycling Services.

21 The fifteenth is a Resolution Authorizing  
22 the City Clerk to Advertise for Bids for Solid  
23 Waste and Recycling Services.

24 The sixteenth is a Resolution Authorizing  
25 Agreement with Cross River Fiber, LLC Providing

1 Consent to Access Public Rights-of-Way for  
2 Installation of Utility Poles and Placement of a  
3 Small Cell Wireless Facilities.

4 The seventeenth is a Resolution Authorizing  
5 the Refund of Premium Monies Collected at the Tax  
6 Sale.

7 The eighteenth is a Resolution Authorizing  
8 Refund of Redemption Monies to Outside  
9 Lienholders.

10 The nineteenth is a Resolution Authorizing  
11 the Tax Collector to Prepare, Complete and Mail  
12 as Soon as Practicable Estimated Tax Bills in  
13 Accordance with the Procedures Set Forth in  
14 N.J.S.A. 54:4-66.2 and Authorizing Estimated  
15 Annual Tax Levy Pursuant to N.J.S.A. 54:4-66.2.

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

18 MAYOR STACK: Sure.

19 Just -- just before we do, just on a couple  
20 items on the agenda.

21 On S. Battata Construction for 42<sup>nd</sup> Street,  
22 that's between New York Avenue and Bergenline;  
23 and 47<sup>th</sup> Street, we're going to be repaving from  
24 Broadway over to Palisade Avenue.

25 These streets have been in difficult

1 condition for some time. We try to do as many as  
2 we possibly can throughout the year. Just that  
3 it's very expensive to do one street in a  
4 community. Because not only do we go in and do  
5 the street but we do the sidewalks also. So  
6 these two blocks will be done.

7 We're also doing right now 35<sup>th</sup> Street from  
8 New York to Bergenline and 35<sup>th</sup> Street from  
9 Bergenline to Kennedy Boulevard. That's in  
10 addition to Palisade Avenue this year.

11 We did from 2<sup>nd</sup> Street, through -- we're at  
12 22<sup>nd</sup> Street right now. We should be able to get  
13 on Palisade Avenue up to about 25<sup>th</sup> Street.  
14 That's a commitment that we have to go all the  
15 way up to 49<sup>th</sup> and Palisade Avenue the same as we  
16 do at New York Avenue with streetscape.

17 We work really hard in getting these  
18 streets done to build up the infrastructure.  
19 We've done many, many streets in the past ten  
20 years. We're continuing to work hard to get all  
21 the streets done in the community to do as many  
22 as we possibly can securing, whether it's bond  
23 money, State grants, DOT grants -- we try very  
24 hard to get them done.

25 We're also working on the Pothole

1 Improvement Program to fill all potholes in the  
2 community, as we've been doing it, trying to keep  
3 our streets in good condition.

4 In addition to that, on item number --  
5 number 8, on the Tree Expert Company, that was  
6 for a webworm treatment. We had some -- similar  
7 like cocoons in the trees that were killing some  
8 of the leaves in the trees. We were out there;  
9 we're taking care of that.

10 We also did some tree trimming throughout  
11 the community.

12 In addition to that, on the Summit Avenue  
13 lighting, the same as we did on Bergenline Avenue  
14 with the lighting from 16<sup>th</sup> Street through 30<sup>th</sup>  
15 Street, we're now doing on Summit, to add  
16 additional lighting.

17 Having said that, anyone wishing to comment  
18 on the Consent Agenda, please step forward, just  
19 state your name and address for the record.

20 And before anybody comments, I would just  
21 like to thank the members of the public that are  
22 here this evening.

23 Thank you very much.

24 For this meeting tonight we've notified  
25 everyone between 30<sup>th</sup> Street and 49<sup>th</sup> -- 30<sup>th</sup>

1 Street and 41<sup>st</sup> Street, from Park Avenue to  
2 Kennedy Boulevard over to Bergen Turnpike.

3 So thank you to members of the community  
4 that are here this evening.

5 Anyone wishing to comment at this time  
6 please step forward, state your name and address  
7 for the record.

8 Seeing none.

9 I'll make a motion to approve the items on  
10 the agenda.

11 CITY CLERK: Motion to close public comment  
12 by Mayor Stack.

13 Second?

14 COMMISSIONER MARTINETTI: Second.

15 CITY CLERK: Second by Commissioner  
16 Martinetti.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 CITY CLERK: Commissioner Grullon?

20 COMMISSIONER GRULLON: 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 CITY CLERK: Thank you.

3 There's a motion by Mayor Stack to approve  
4 all items on Consent.

5 May I have a second?

6 COMMISSIONER VALDIVIA: Second.

7 CITY CLERK: Second by Commissioner  
8 Valdivia.

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: And Mayor Stack?

18 MAYOR STACK: Yes.

19 CITY CLERK: Thank you.

20

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

23 **REGULAR AGENDA:**

24 1. Resolution Approving the SFY 2020 Budget  
25 Transfer Resolution.)

1

2 CITY CLERK: There are three items on the  
3 Regular Agenda.

4 The first is a Resolution Approving the  
5 SFY 2020 Budget Transfer Resolution.

6 May I have motion to adopt item 1?

7 MAYOR STACK: Motion.

8 CITY CLERK: Motion by Mayor Stack.

9 Second?

10 COMMISSIONER GRULLON: Second.

11 CITY CLERK: Second by Commissioner  
12 Grullon.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 CITY CLERK: Commissioner Grullon?

16 COMMISSIONER GRULLON: 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 **REGULAR AGENDA:**

3 2. Resolution Approving the Introduction of  
4 the SFY 2021 Budget.)

5

6 CITY CLERK: The second is a Resolution  
7 Approving the Introduction of the SFY 2021  
8 Budget.

9 May I have a motion to approve item 2?

10 MAYOR STACK: I'll make a motion to  
11 introduce it.

12 CITY CLERK: Motion by Mayor Stack.  
13 Second?

14 COMMISSIONER VALDIVIA: Second.

15 CITY CLERK: Second by Commissioner  
16 Valdivia.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 CITY CLERK: Commissioner Grullon?

20 COMMISSIONER GRULLON: Yes.

21 CITY CLERK: Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 CITY CLERK: Commissioner Martinetti?

24 COMMISSIONER MARTINETTI: Yes.

25 CITY CLERK: And Mayor Stack?

1 MAYOR STACK: Yes.

2 And just -- we're not really talking about  
3 the budget tonight. It will be held at a later  
4 meeting.

5 But this budget, hopefully once again, will  
6 have no tax increase.

7 So we try very hard to keep the budget  
8 stable in the community. It's not easy,  
9 especially when you're dealing with the COVID-19  
10 crisis.

11 So we're looking every which way to keep it  
12 without an increase and we're going to do our  
13 best to make that possible. We just have to be  
14 certain on certain funding sources before we can  
15 actually make that commitment.

16 CITY CLERK: Thank you, Mayor.

17

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

20 **REGULAR AGENDA:**

21 1. Resolution Approving a Payment of Claim for  
22 the Union City Board of Education.)

23

24 CITY CLERK: The third is a Resolution  
25 Approving a Payment of Claim for the Union City

1 Board of Education.

2 MR. AUTERI: Ordinarily Commissioner  
3 Grullon and Valdivia will not vote on Board of Ed  
4 matters; however, tonight we will invoke the  
5 doctrine of necessity.

6 CITY CLERK: Thank you, Angelo.

7 May I have motion to approve item 3?

8 COMMISSIONER GRULLON: Motion.

9 MAYOR STACK: Motion.

10 CITY CLERK: Motion by Mayor Stack.

11 Second by Commissioner Grullon.

12 Commissioner Fernandez is recusing.

13 Commissioner Grullon?

14 COMMISSIONER GRULLON: Yes.

15 CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 CITY CLERK: Commissioner Martinetti's  
18 recusing.

19 Mayor Stack?

20 MAYOR STACK: Yes.

21 CITY CLERK: Thank you.

22

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

24

25 CITY CLERK: Mayor, at this time would you

1 | like to take public comment on any item  
2 | concerning government in the City of Union City?

3 |       MAYOR STACK: Sure.

4 |       Just before we take any comment, I would  
5 | just like to thank the Commissioners for -- for  
6 | continuing to support the idea of moving our  
7 | meetings around the City. We feel it's very  
8 | effective to move to each neighborhood in the  
9 | community.

10 |       I'd also like to thank the public in Union  
11 | City for the great job they've done in really  
12 | coming together in the COVID-19 crisis that we've  
13 | had. It's been very difficult for all of us -- I  
14 | know as a community, as a -- as a State, as  
15 | country; basically, a worldwide pandemic.

16 |       But I'd like to thank those residents of  
17 | Union City for really coming forward wearing a  
18 | mask, adhering to the social distancing. I know  
19 | it's been very tough on our businesses in the  
20 | City.

21 |       I see Sergeant Dunlay here who's done a  
22 | great job in putting together a plan to have the  
23 | outdoor dining for our restaurants in the  
24 | community, which has not been easy, but thank you  
25 | again, Sergeant.

1 But it's been very tough for all of us. So  
2 I would just like to thank the community as a  
3 whole for really coming together, looking out for  
4 each other, and really it speaks volumes about  
5 what Union City and its people is all about. So  
6 I'd just like to thank everyone.

7 And thank you for being here tonight, the  
8 members of the public that are here.

9 Anyone wishing to comment on any matter  
10 concerning government in the City of Union City,  
11 please step forward, state your name and address  
12 for the record.

13 Okay, seeing none.

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

16 COMMISSIONER FERNANDEZ: Motion.

17 CITY CLERK: Motion by Commissioner  
18 Fernandez.

19 Second?

20 COMMISSIONER GRULLON: Second.

21 CITY CLERK: Second by Commissioner  
22 Grullon.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes.

25 CITY CLERK: Commissioner Grullon?

1 COMMISSIONER GRULLON: Yes.

2 CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 CITY CLERK: Commissioner Martinetti?

5 COMMISSIONER MARTINETTI: Yes.

6 CITY CLERK: Mayor Stack?

7 MAYOR STACK: Yes.

8 CITY CLERK: Thank you.

9

10 \* \* \*

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25

1 LIQUOR LICENSE PUBLIC HEARING

2

3 1. Change of Corporate Structure

4 Union City Liquors, LLC (Vimalakar R.

5 Bathena)

6 Rimma Wilms buying 100% ownership of

7 Union City Liquors, LLC

8 3196 Kennedy Boulevard

9 0910-32-171-009

10 NOTE: This license has special conditions

11 (Frank Mandia, Esq.)

12 2. Transfer Application

13 0910-33-029-008

14 Person-to-Person

15 Vanessa Café to Crave 43 LLC (Daribell

16 Luna)

17 (Eike Paneque, Esq.)

18

19 CITY CLERK: At this time we now have

20 Liquor License Public Hearings.

21 MR. FARMER: Good evening, Mr. Mayor and

22 the Board.

23 There are two matters on your calendar this

24 evening. Both are what they call corporate

25 transfers.

1    Change of Corporate Structure

2    Union City Liquors, LLC (Vimalakar R. Bathena)  
3    Rimma Wilms buying 100% ownership of Union City  
4    Liquors, LLC  
5    3196 Kennedy Boulevard  
6    0910-32-171-009

7    NOTE:    This license has special conditions  
8    (Frank Mandia, Esq.)  
9

10            MR. FARMER:    The first one is Rimma Wilms  
11    -- the Union City Liquor.    And the licensee --  
12            Come on up.

13            Put your name on the record please.

14            MS. WILMS BATHENA:    Hi, I'm Rimma Wilms  
15    Bathena.

16            MR. DILLON:    Sorry, can you -- can you  
17    spell your name for me?

18            MS. WILMS BATHENA:    My -- spell the name?  
19            R-I-M-M-A.

20            MR. DILLON:    R-I-M-M-A?

21            MS. WILMS BATHENA:    Is the first name.  
22            Last name is W-- W-I-L--

23            MR. DILLON:    Can you come a little closer?  
24    I just can't hear you.    Sorry.    That fan is  
25    really loud.

1 MS. WILMS BATHENA: The last name is W-I-L-  
2 M-S. B-A--

3 MR. DILLON: B-A --

4 MS. WILMS BATHENA: B as boy, A, T like  
5 Thomas, H like Henry, E-N-A.

6 MR. DILLON: E-T-H?

7 MS. WILMS BATHENA: (Indiscernible) -- A  
8 like apple, T like Thomas, H like Henry, E like  
9 Edward, N like Nancy, A like apple.

10 MR. DILLON: Okay. So Rimma Wilms --

11 MS. WILMS BATHENA: Bathena. Yup.

12 MR. DILLON: Thank you.

13 MAYOR STACK: Thank you.

14 MS. WILMS BATHENA: You're welcome.

15 MAYOR STACK: You can step back there.

16 MR. FARMER: If -- if I might refresh the  
17 Board concerning this.

18 This is a matter on -- the location of it  
19 is basically the Kennedy Center on the Boulevard.  
20 It's the Buy Rite Liquor store.

21 As you may recall, we had a hearing on this  
22 a while ago and the gentleman who appeared  
23 advised the Board of what he was doing.

24 This is the one that had the marijuana in  
25 the lease that he we had to kick out of that.

1           And it seems that Buy Rite and the  
2 gentleman who appeared before you last time  
3 business plan is to get a store, make  
4 arrangements, set it up in a very attractive way.  
5 And I think if you passed it -- and I'm sure  
6 you're familiar with it -- it's pretty  
7 attractive. And then, basically, give it to one  
8 of his relatives.

9           In this case it's being given to the  
10 daughter-in-law. She's exe-- and it's been an  
11 ongoing transaction. She's executed promissory  
12 note. There's been a closing. There's been a  
13 transfer of assets. And everything is in place.  
14 She's been fingerprinted. Detective Dunlay has  
15 gone through the finances with respect to the  
16 purchase. And there's really no reason not to  
17 grant the transfer.

18           And it's going to be subject -- and this is  
19 the most important part -- and that's why she's  
20 here tonight, that they're going to reaffirm the  
21 conditions that were agreed to when we initially  
22 transferred this license. And that's with  
23 respect to closing.

24           And I have the Resolution. I'm going to  
25 read -- read it, just so we're clear.

1           MAYOR STACK: Right.

2           But, Mr. Farmer, I remember being in this  
3 gym and we were told at that point that they were  
4 going to stay with the business and that they  
5 were going to run the business. And we even  
6 asked them at that time --

7           MR. FARMER: Yeah.

8           MAYOR STACK: -- whether it's going to be a  
9 long term thing and they were going to come in  
10 and they said yes.

11          MR. FARMER: Um-hum.

12          MAYOR STACK: I'm a --

13          MR. FARMER: They did say that.

14          MAYOR STACK: -- I'm a little confused --

15          MR. FARMER: There's no question --

16          MAYOR STACK: -- why we're here on this one  
17 tonight. I -- I -- it's been a very short period  
18 of time that they've owned it.

19          MR. FARMER: Yes. Six months.

20          MR. BATHENA: I believe the license  
21 transferred September --

22          MR. FARMER: September last year?

23          MR. BATHENA: Yes, it's been about a year.

24          MR. FARMER: Okay. Year. Okay.

25          MAYOR STACK: And how are you -- how are

1 | you related to the -- to the seller?

2 |       MR. BATHENA: So my father was the -- was  
3 | the seller.

4 |       MAYOR STACK: Right.

5 |       MR. BATHENA: And this is my wife.

6 |       MAYOR STACK: I see. Okay.

7 |       MR. BATHENA: So it's still in the family.

8 |       MAYOR STACK: You're keeping it still in  
9 | the family.

10 |       MR. BATHENA: Yes, sir.

11 |       MAYOR STACK: Same family.

12 |       Okay.

13 |       MR. BATHENA: What happened was, when my  
14 | father got in the contract on the liquor license  
15 | -- I don't know if you'll recall or not, but it  
16 | took about almost a year and a half to close on  
17 | the license.

18 |       MAYOR STACK: Right.

19 |       MR. BATHENA: So by that point he had  
20 | identified a different opportunity for himself  
21 | down south where he lives.

22 |       MAYOR STACK: I see.

23 |       MR. BATHENA: So it didn't make sense for  
24 | him to be all the way up here, you know?

25 |       MAYOR STACK: Okay.

1 MR. BATHENA: So, you know, that's the  
2 reason why, yeah.

3 MAYOR STACK: So you're going to still have  
4 it -- you're going to still be involved with this  
5 license?

6 MR. BATHENA: So my father and I are  
7 basically helping oversee it because my wife, you  
8 know, she has three little children at home -- we  
9 do.

10 MAYOR STACK: Sure.

11 MR. BATHENA: So we actually hired some  
12 management and I have a store in Jersey City so  
13 I'm close by.

14 MAYOR STACK: Okay.

15 MR. BATHENA: So I'm actually -- I pop in  
16 there at least a couple times a week.

17 MAYOR STACK: Okay.

18 MR. BATHENA: Yeah.

19 MR. FARMER: Okay.

20 The -- the conditions that were placed back  
21 then -- and you're absolutely right in your  
22 recollection. I thought we were entering into a  
23 long term marriage. But the people seem to be  
24 reputable and the transfer seems to be  
25 aboveboard.

1 But I would like to read into the record --

2 MAYOR STACK: Sure.

3 MR. FARMER: -- the conditions and have an  
4 acknowledgment on the record from the two of the  
5 -- the new hundred percent owner of the  
6 corporation.

7 MAYOR STACK: What -- what --

8 Sure, Mr. Farmer, I want you to.

9 What just gets me concerned here and very  
10 nervous is that this is a very large  
11 establishment.

12 MR. BATHENA: Yes.

13 MAYOR STACK: We had major concerns when we  
14 approved it because of the license, --

15 MR. BATHENA: Yes.

16 MAYOR STACK: -- the way the license is set  
17 up. And I remember each of the Commissioners  
18 were concerned.

19 I know -- I even think Commissioner  
20 Fernandez even spoke -- we -- we spoke about this  
21 when we transferred the license and maybe  
22 Commissioner Martinetti or Commissioner Grullon  
23 did -- I'm not sure. But we were concerned  
24 because of the size of this.

25 You also have a license where you can serve

1 | inside the -- inside there.

2 |         Right?

3 |         MR. BATHENA: But we're not -- we're not --

4 |         MAYOR STACK: Right. But you --

5 |         MR. BATHENA: (Indiscernible) -- liquor  
6 | store.

7 |         MAYORS TACK: -- do have that license,  
8 | right?

9 |         MR. BATHENA: What's that?

10 |         MAYOR STACK: Where you can do wine tasting  
11 | and all that.

12 |         Right?

13 |         MR. BATHENA: We haven't done anything, you  
14 | know. Yeah.

15 |         MAYOR STACK: Okay.

16 |         Is that going to happen though going  
17 | forward?

18 |         MR. BATHENA: I -- I mean with COVID I'm  
19 | not really sure when that would open up again.  
20 | And if it did, if you remember, it wasn't going  
21 | to be like a bar. It was only going to be like  
22 | sampling. You know? Just to try a product  
23 | before you buy it.

24 |         MAYOR STACK: How -- how many  
25 | establishments do you and your family own in

1 New Jersey?

2 MR. BATHENA: So my father owns the  
3 franchise Buy Rite Liquors --

4 MAYOR STACK: Right.

5 MR. BATHENA: -- and there's 50 locations.  
6 But he doesn't own all of them; he just owns the  
7 name.

8 MAYOR STACK: Sure.

9 MR. BATHENA: And then as a family we have  
10 eight stores. Each of us has two licenses.

11 MAYOR STACK: I see. Okay.

12 Okay. I'll let Mr. Farmer, --

13 MR. FARMER: Okay.

14 MAYOR STACK: -- I'm sorry, read that into  
15 the record.

16 MR. FARMER: And I think the conditions  
17 that are set forth in the Resolution initially  
18 cover your concerns.

19 Let me read it.

20 Where --

21 The preamble of the license and the people  
22 appearing and it says -- and when we approved it  
23 we said:

24 Whereas, the application -- applicant  
25 represents that he will not engage in the sale of

1 marijuana or any marijuana derivative during the  
2 tenancy this -- at this location.

3 Although plans have been submitted as part  
4 of the application included stools and counter  
5 area, the applicant testified that the stools  
6 will be removed and that the location will  
7 operate as a retail liquor store only and not a  
8 bar where alcohol was sold for consumption on the  
9 premises.

10 Whereas, the applicant represented that the  
11 counter area will serve only as a tasting bar --  
12 tasting area, where customers are permitted to  
13 sample products which will then be sold for  
14 consumption off-premises.

15 The application -- applicant stated he  
16 would not operate a bar from this location  
17 through the entirety of the tenancy at this  
18 location and that the liquor sold at this  
19 location must be consumed off-premises.

20 The application -- applicant further  
21 testified that the hours of operation will be  
22 Monday through Thursday, 10 a.m. to 10 p.m.;  
23 Friday and Saturday, 10 a.m. to 12 p.m.; and  
24 Sundays 10 a.m. to 8 p.m.

25 And, whereas the --

1 Well, it goes on to say:

2 Whereas, in approving the instant  
3 application, Board of Commission have -- has  
4 relied on a representation of the applicant that  
5 the premises will be operated as a liquor --  
6 liquor -- a retail liquor store only, with no  
7 stools or sales of alcohol for consumption on the  
8 premises.

9 And further that the business will not  
10 engage in any sale of -- or marijuana  
11 derivatives.

12 (Indiscernible).

13 The submitted application to complete in  
14 all respects the transfer of fees have been  
15 paid, --

16 The rest is just procedural. It was a --  
17 and it was passed September 24<sup>th</sup>, 2019. About a  
18 year ago.

19 Now, you've read that?

20 You've heard what I said?

21 MR. BATHENA: Yes, sir.

22 MS. WILMS BATHENA: Yes.

23 MR. FARMER: You agree, absolutely,  
24 positively, equivocally that you're going to be  
25 bound by those conditions for the entire time you

1 | operate that place at that tenancy?

2 | MR. BATHENA: We do, sir.

3 | MS. WILMS BATHENA: Yes, I do.

4 | MR. FARMER: Okay.

5 | MAYOR STACK: Ma'am, do you have any prior  
6 | experience running a liquor establishment?

7 | MS. WILMS BATHENA: Um, so, having helped  
8 | with the administration of my husband's liquor  
9 | stores, yes.

10 | MAYOR STACK: Okay.

11 | Have you ever run the store yourself  
12 | though?

13 | MS. WILMS BATHENA: I have not run the  
14 | store myself. But my husband and my father-in-  
15 | law are helping last year and this year.

16 | MAYOR STACK: Are you going to be at this  
17 | store?

18 | MS. WILMS BATHENA: Um, so not -- not too  
19 | often but I do have a -- with their help I'm  
20 | getting a very good manager.

21 | MAYOR STACK: Okay. So who's going to run  
22 | the store?

23 | MR. BATHENA: So --

24 | MS. WILMS BATHENA: So --

25 | MR. BATHENA: -- what actually happened was

1 originally the plan was to have a partner for  
2 her. But the partnership didn't really work out.  
3 So we hired a general manager for the store.  
4 Because we also have a store in North Bergen. So  
5 he's going to oversee both stores. Plus, we have  
6 other managers that we've hired.

7 And, like I said, my father and I actually  
8 will stop by the store probably at least like  
9 once a day, once every other day, you know.

10 So we're very actively involved.

11 MAYOR STACK: Okay.

12 And what experience do the managers have?

13 Do you have a manager for this store?

14 MR. BATHENA: Yeah. So the manager for the  
15 store, one of them is -- has a -- he's new to the  
16 liquor store business but he has experience  
17 running bars in Manhattan.

18 MAYOR STACK: Okay.

19 MR. BATHENA: So he got laid off during  
20 COVID so we were -- we found a pretty -- pretty  
21 capable guy actually.

22 And then basically for the last one month  
23 and a half I've been training him how to do -- do  
24 things properly. Plus, like I said, I'm -- I'm  
25 pretty involved because I'm in Jersey City. I'm

1 | only ten minutes away.

2 |       MAYOR STACK: How -- how are things been  
3 | going at the store so far?

4 |       MR. BATHENA: A little challenging.

5 |       I think what happened was if we opened in  
6 | January it would have helped because what's  
7 | happening during COVID is people are drinking  
8 | more actually. But with them like not exploring  
9 | for new opportunities right now I think people  
10 | are not really -- they don't know the location's  
11 | there still. You know, because people are still  
12 | kind of cooped up at home.

13 |       MAYOR STACK: Right.

14 |       MR. BATHENA: The walk-in traffic is not  
15 | really there anymore, you know? Which we used to  
16 | kind of see in Union City.

17 |       MAYOR STACK: Sure.

18 |       MR. BATHENA: So it's a little bit tougher  
19 | than we thought but, you know, we're -- we're  
20 | doing our best with a lot of marketing and things  
21 | like that.

22 |       MAYOR STACK: Okay.

23 |       MR. BATHENA: You know.

24 |       MAYOR STACK: Does -- does the Police  
25 | Department -- Sergeant Dunlay, does the Police

1 Department have a position -- if you could step  
2 forward -- on this application?

3 SERGEANT DUNLAY: Mayor, I was actually in  
4 the interview process with both of them where we  
5 spoke with Mr. Farmer. And their story, you  
6 know, seems credible. It's -- they have a bus--  
7 they -- they run a business, they own the  
8 franchise.

9 I wasn't aware of the marijuana stuff; that  
10 was prior to my --

11 MAYOR STACK: Right.

12 SERGEANT DUNLAY: -- coming back.

13 MAYOR STACK: Right. Right.

14 SERGEANT DUNLAY: But, no, they were very  
15 willing to, you know, cooperate, integrate into  
16 the community very well with the times, et  
17 cetera.

18 You know I did ask her about the experience  
19 and that was the -- the story that I was told,  
20 which I tend to believe is that the management  
21 and -- they're very involved.

22 They -- they actually have --

23 I forgot your name, sir.

24 MR. BATHENA: Adithya.

25 SERGEANT DUNLAY: Adithya.

1           When I spoke to -- he pretty much sold --  
2 not sold me but pretty much told me on the story  
3 on the Buy Rite franchise is the family  
4 business --

5           MAYOR STACK: Right.

6           SERGEANT DUNLAY: -- and from there it  
7 trickles down.

8           So, they don't want to see the business  
9 fail --

10          MAYOR STACK: Right.

11          SERGEANT DUNLAY: -- because it's bad for  
12 the Buy Rite name.

13          MAYOR STACK: Sure.

14          SERGEANT DUNLAY: So I could see how  
15 they're extremely vested in the area and that's  
16 why I kind of went with Mr. Farmer and I did  
17 approve on the finances and for them going  
18 forward.

19          MAYOR STACK: That's my only fear. I just  
20 want to make sure your family is involved with  
21 this business going forward.

22               I just don't want this to be where a  
23 manager runs it who's not the owner and doesn't  
24 have a vested interest in the store and we get  
25 problems where we get sales to minors or, you

1 know, past the hour of sale. Stuff like that.

2 That's my biggest concern.

3 We've come a long way in Union City where  
4 we once had a lot of problem liquor  
5 establishments. I just don't want to go backward  
6 because it's a very busy spot there and I just  
7 want to make sure of that.

8 MR. BATHENA: Yes. And just so you  
9 understand, we actually put up our home for the  
10 loan for the business.

11 MAYOR STACK: Okay.

12 MR. BATHENA: So, you know, we're very  
13 serious.

14 MAYOR STACK: Okay. I just want to make  
15 sure.

16 MR. BATHENA: Yeah.

17 MAYOR STACK: Please. Okay. Okay.  
18 Anything further, Sergeant?

19 SERGEANT DUNLAY: No, sir, that's it.

20 MAYOR STACK: Greg, anything further?

21 MR. FARMER: No.

22 MAYOR STACK: Okay.

23 On what was represented here, I'll make a  
24 motion to approve the application.

25 CITY CLERK: Thank you, Mayor.

1 Motion by Mayor Stack.

2 Second?

3 COMMISSIONER VALDIVIA: Second.

4 CITY CLERK: Second by Commissioner  
5 Valdivia.

6 Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes.

8 CITY CLERK: Commissioner Grullon?

9 COMMISSIONER GRULLON: Yes.

10 CITY CLERK: Commissioner Valdivia?

11 COMMISSIONER VALDIVIA: Yes.

12 CITY CLERK: Commissioner Martinetti?

13 COMMISSIONER MARTINETTI: Yes.

14 CITY CLERK: Mayor Stack?

15 MAYOR STACK: Yes.

16 CITY CLERK: Thank you.

17 MAYOR STACK: Just please have a strong  
18 presence at this establishment?

19 MR. BATHENA: We will.

20 MAYOR STACK: Okay.

21 MR. BATHENA: Thank you, sir.

22 MAYOR STACK: Thank you very much.

23 MR. BATHENA: Thank you.

24 MAYOR STACK: Thank you.

25 MR. BATHENA: Thank you, Mr. Farmer.

1 MR. FARMER: Good luck to you.

2 MR. BATHENA: Thank you.

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1    Transfer Application

2    0910-33-029-008

3    Person-to-Person

4    Vanessa Café to Crave 43 LLC (Daribell Luna)

5    (Eike Paneque, Esq.)

6

7            MR. FARMER: The next one on your agenda is  
8 Vanessa Café to Carve (sic) Inc.

9            MAYOR STACK: How are you?

10           Good.

11           MR. FARMER: Counsel, would you put your  
12 appearance in.

13           MS. PANEQUE: Yes. Eike Paneque for Crave  
14 43 LLC for Daribell Luna.

15           MR. DILLON: I'm sorry. I didn't hear you.

16           MS. PANEQUE: My name is Eike Paneque.

17 Last name is Paneque, P-A-N-E-Q-U-E.

18           This is Daribell. She's the --

19           MR. DILLON: If you want to just tell me  
20 the spelling of your name.

21           You're planning on speaking?

22           MS. PANEQUE: I'm sorry. (Indiscernible).

23           MS. LUNA: My name?

24           MR. DILLON: Yes.

25           MS. LUNA: Daribell. D-A-R-I-B-E-L-L.

1 Luna, L-U-N-A.

2 MR. FARMER: Okay.

3 Okay.

4 This is a transfer of a -- the liquor  
5 license. It's person-to-person.

6 The young lady in front of you is the  
7 person who has been really operating the place  
8 for this whole time and is now buying it. And  
9 everything has been submitted and it's all okay.

10 Detective Dunlay and I sat with her with  
11 respect to where the money's coming from, the  
12 lease to the premises, and she's been  
13 fingerprinted. And the criminal background came  
14 back without any problems.

15 So, I think there's no objection to  
16 transferring it. And it's staying in the same  
17 location; it's just another person.

18 One thing that Detective Dunlay and the  
19 licensee and I discussed, there's a holdover from  
20 Vanessa Café with an outstanding three-day  
21 suspension.

22 All right?

23 As I indicated this young lady really  
24 managed the place. She advises us that she  
25 closed the three days. However, the policy

1 really is when you close you got to turn your  
2 license in to the Police Department and then when  
3 your suspension's over you go and you pick up the  
4 license.

5 That was not done. The Police don't have  
6 any record of it and this, that and the other.

7 Since this is a new enterprise for her, I'd  
8 like to see whether or not we could wipe the  
9 slate clean in this regard; that we approve the  
10 license effective Saturday and --

11 MAYOR STACK: This coming Saturday?

12 MR. FARMER: Yeah.

13 MAYOR STACK: Okay.

14 MR. FARMER: -- and -- and closes for three  
15 days under the old license.

16 I don't think it makes any --

17 I think Detective Dunlay, wherever he is,  
18 you're in agreement with all that,

19 Right?

20 MAYOR STACK: Yeah.

21 And just, Dave, if you can give a general  
22 overview on everything, just basically where we  
23 stand and what your recommendation is.

24 SERGEANT DUNLAY: Well, Vanessa Café is not  
25 going to longer be Vanessa Café.

1           Vanessa Café is going to turn into Crave  
2 43, which is a totally new branding and a totally  
3 different approach to the way business used to be  
4 conducted. That's what my conversation with Miss  
5 Luna was.

6           So it's actually -- it's very -- it's --  
7 it's appealing to the actual neighborhood, how  
8 it's starting to change, and that's the customer  
9 base that they're trying to establish.

10           MAYOR STACK: What's the difference --

11           SERGEANT DUNLAY: As opposed to the --

12           MAYOR STACK: -- between --

13           SERGEANT DUNLAY: -- typical what it used  
14 to be where it was --

15           MAYOR STACK: And what's the difference  
16 between Vanessa Café and what it's going to be  
17 now?

18           SERGEANT DUNLAY: Restaurant food. It's  
19 going to be a different atmosphere; a little  
20 trendier type establishment as opposed to what  
21 Vanessa Café was in the past.

22           MAYOR STACK: How do I know it's not going  
23 to go back though?

24           Because I hear this a lot that we're going  
25 to serve food. And then once food doesn't work

1 out we go berserk with liquor.

2 SERGEANT DUNLAY: Well, Miss Luna's  
3 actually running --

4 Her mother was the one who was actually --

5 MAYOR STACK: I don't mean just on this  
6 establishment. I mean in general. In general.

7 SERGEANT DUNLAY: Miss Luna's mother was  
8 actually the manager of the previous  
9 establishment.

10 MAYOR STACK: I see.

11 SERGEANT DUNLAY: Miss Luna's actually the  
12 one now taking charge and running -- going to run  
13 the day-to-day operations, with obviously, with  
14 the help of the mother. But it's her vision on  
15 what the -- they want the business to be.

16 MAYOR STACK: Okay.

17 SERGEANT DUNLAY: And -- and I kind of went  
18 through the finances. I've -- I've spoken to  
19 her, I've spoken to her mother and I got to --  
20 you know, I kind of do feel that they -- they are  
21 aware that the area is changing and there's  
22 better opportunities in a different -- in a  
23 different course of business, as opposed to the  
24 business of past.

25 MAYOR STACK: When was the last time this

1 establishment was open?

2 SERGEANT DUNLAY: I believe in March.

3 Correct?

4 MAYOR STACK: In March?

5 SERGEANT DUNLAY: Yes.

6 MAYOR STACK: And what is -- and what is  
7 the mother's role with the establishment now?

8 SERGEANT DUNLAY: Her mom was working as  
9 the manager.

10 MAYOR STACK: No but now with the new  
11 establishment.

12 SERGEANT DUNLAY: Now would be the -- as  
13 well, I believe it's the manager.

14 Right? Your mom?

15 MS. LUNA: Well, yeah, pretty much --

16 SERGEANT DUNLAY: Just step forward so they  
17 could -- so you can go on the record.

18 MS. LUNA: She's just pretty much just  
19 going to be helping out on things. We are going  
20 to have a manager. Going to be a manager that's  
21 going to be able -- you know, that understands  
22 the -- what I'm trying to do with the business.

23 MAYOR STACK: And who was the owner of the  
24 business while your mom was the manager?

25 MS. LUNA: Nestor Varicelly.

1           MAYOR STACK:   Okay.

2           And they're out of the business now  
3 completely?

4           MS. LUNA:   A hundred percent.

5           MAYOR STACK:   Okay.

6           MR. FARMER:   Could you please identify  
7 yourself --

8           MAYOR STACK:   Yeah, --

9           MR. FARMER:   -- for the record.

10          MAYOR STACK:   -- I'm sorry.   I'm sorry.

11          MS. LUNA:   Yes.   My name is Daribell Luna,  
12 owner of Crave 43.

13          MAYOR STACK:   And the hours of operation  
14 will be?

15          SERGEANT DUNLAY:   We -- we kind of left at  
16 open-ended where it would be normal.

17          MAYOR STACK:   Okay.

18          SERGEANT DUNLAY:   You know, the regular --

19          MAYOR STACK:   What about the music and  
20 stuff?

21          Because that's been a major issue in that  
22 neighborhood.

23          SERGEANT DUNLAY:   Well, the neighborhood --  
24 yes.

25          MAYOR STACK:   I mean I don't know if the

1 Commissioners remember but this is the 100 block  
2 of 43<sup>rd</sup>, where we used to hear a lot of complaints  
3 on -- on music.

4 I just want to know what that's -- what --

5 SERGEANT DUNLAY: Well the Police  
6 Department will definitely have a presence  
7 because now we have two establishments there.

8 MAYOR STACK: Yeah.

9 SERGEANT DUNLAY: We have 43<sup>rd</sup> and -- and  
10 Park Avenue, --

11 MAYOR STACK: Right.

12 SERGEANT DUNLAY: -- which tends to have  
13 their doors open --

14 MAYOR STACK: Yeah.

15 SERGEANT DUNLAY: -- at times as well.

16 MAYOR STACK: Yeah.

17 SERGEANT DUNLAY: And now --

18 MAYOR STACK: Exactly.

19 SERGEANT DUNLAY: -- we'll have Vanessa.  
20 So, we would most -- more than likely have a  
21 stronger Police presence there where, you know,  
22 we would have zero tolerance on the noise.

23 MAYOR STACK: Okay.

24 But on -- when it comes to music, what --  
25 what kind of music are we going to have?

1           Are we going to have a -- a deejay? Are we  
2 going to have just regular music playing from --  
3 from a -- from your own system? Or is it going  
4 to be live band going in there?

5           What is it going to be?

6           MS. LUNA: It's going to be mainly just  
7 like music playing in the background.

8           MAYOR STACK: Music?

9           MS. LUNA: Yeah. Just regular music  
10 playing in the background.

11          MAYOR STACK: Okay.

12          MS. LUNA: We have a jukebox so, you know,  
13 if people want to play their music, they could  
14 just play. We could control the volume on that.

15          So we're not going to really be having like  
16 deejays and things like that.

17          MAYOR STACK: You know what I'm just  
18 worried about, Miss Luna?

19          So you have a lot of people who live in  
20 that area --

21          MS. LUNA: Um-hum.

22          MAYOR STACK: -- 44<sup>th</sup>, 43<sup>rd</sup>, all the way up  
23 -- Park Avenue, Hudson Avenue. And sound travels  
24 obviously.

25          And at night, when it's quiet and the music

1 is blasted, -- and I don't mean just in your  
2 establishment, what we've experienced, we get  
3 lots of complaints.

4 I'm just asking that you look at this like  
5 that you live in that area. And -- and be  
6 cognizant of the fact that you have a lot of  
7 people that live around. It's very dense. We're  
8 the most densely populated city in America.

9 Just to make sure that we're cognizant. We  
10 don't want to have any issues here.

11 MS. LUNA: (Indiscernible) --

12 MAYOR STACK: Because then what happens is,  
13 when you have issues there people blame us for  
14 it.

15 And it ties up the Police Department when  
16 they could be proactively patrolling the streets,  
17 they're babysitting a liquor establishment.

18 We don't want that. We don't want to go  
19 backward. We want to move forward.

20 MS. LUNA: Well I completely understand.

21 MAYOR STACK: Okay?

22 MS. LUNA: That will definitely be my  
23 priority.

24 MAYOR STACK: Just keep the music down.  
25 Keep it down so people inside can hear it, not

1 outside.

2 I realize right now with COVID-19 we want  
3 to keep air circulation, everything. But just be  
4 aware of that. We got to compromise on one end,  
5 where we got to lower the music if we have the  
6 windows and doors open.

7 Okay?

8 MS. LUNA: Yeah.

9 MAYOR STACK: Any Commissioners have any  
10 comments or anything like that?

11 Okay.

12 Okay, I'll make a motion on what was  
13 represented by Sergeant Dunlay and Mr. Farmer.

14 CITY CLERK: Motion by Mayor Stack.

15 Second?

16 COMMISSIONER VALDIVIA: Second.

17 CITY CLERK: Second by Commissioner  
18 Valdivia.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes.

21 CITY CLERK: Commissioner Grullon?

22 COMMISSIONER GRULLON: Yes.

23 CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 CITY CLERK: Commissioner Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4 CITY CLERK: Thank you.

5 There are no other items on the agenda this  
6 evening.

7 May I have a motion to --

8 MAYOR STACK: You know what -- you know  
9 what would be a good idea? And I'm just thinking  
10 this while you're here.

11 Maybe go on the block, --

12 Do a letter. Maybe your attorney could  
13 help you do a letter on the block.

14 Let people know you're the new owner, that  
15 if they have any problem or complaint to call you  
16 directly. Maybe you want to put your phone  
17 number down. And you invite them to come to your  
18 establishment.

19 Number one, it's good -- it's good for  
20 business.

21 Number two, it shows you're being a good  
22 neighbor.

23 I would include the 100 block of 43<sup>rd</sup>, the  
24 100 block of 44<sup>th</sup> because that's right behind you.

25 MS. LUNA: Um-hum.

1           MAYOR STACK: It would be a good way to --  
2 at least to show people and give the benefit of  
3 the doubt that if there is a problem they can  
4 call you directly rather than calling the Police  
5 let's say.

6           Maybe if they are hearing it, --

7           Listen, we have all it where maybe you put  
8 the music a little too loud or you do something  
9 that bothers somebody else but at least show them  
10 that you're going to run a different operation  
11 there.

12          MS. LUNA: Okay, --

13          MAYOR STACK: Okay?

14          MS. LUNA: -- that sounds like a really  
15 good idea.

16          MAYOR STACK: You got it.

17          MS. LUNA: Thank you.

18          Appreciate that.

19          MAYOR STACK: Thank you very much.

20          Thank you very much, Miss Paneque.

21          MR. FARMER: Okay.

22          MS. PANEQUE: Thank you.

23          SERGEANT DUNLAY: Take care, guys.

24          CITY CLERK: Thank you.

25

1 ADJOURNMENT:

2

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

5 May I have a motion to adjourn?

6 COMMISSIONER MARTINETTI: Motion.

7 CITY CLERK: Motion by Commissioner  
8 Martinetti.

9 Second?

10 COMMISSIONER GRULLON: Second.

11 CITY CLERK: Second by Commissioner  
12 Grullon.

13 Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 CITY CLERK: Commissioner Grullon?

16 COMMISSIONER GRULLON: 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 Thank you very much, everyone, --

24 CITY CLERK: Thank you.

25 MAYOR STACK: -- for being at the meeting

1 | this evening.

2

3 | (Whereupon, the proceedings were concluded  
4 | at 7:38 p.m.)

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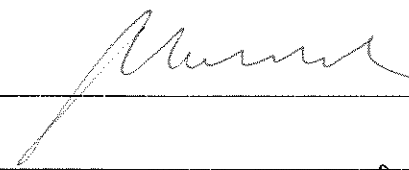
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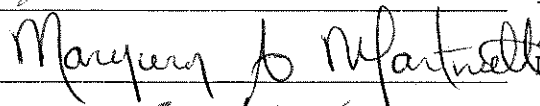
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Brian P. Stack

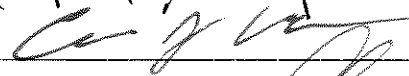
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Lucio P. Fernandez

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Maryury A. Martinetti

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Celin J. Valdivia

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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 :

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, September 8, 2020 and digitally  
10 recorded.

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Karen A. Marino

AOC 493

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon