

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

REGULAR MEETING

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:
:
TRANSCRIPT OF

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PROCEEDINGS

THE BELLA VISTA APARTMENTS
522 - 22nd Street
Union City, New Jersey

Tuesday, January 18, 2022
Commencing at 7:00 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:

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:

ANNA NORIS, ESQ.
Attorney for Azucar Night Club
And La Roca Bar

TOMAS PANEQUE, ESQ.
Attorney for Don Ramon

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1 MR. AUTERI: This is a regular public
2 meeting of the Union City Board of Commissioners
3 being held on Tuesday, January 18, 2022, at 7 p.m.
4 at the Bella Vista Apartments, 522 - 22nd Street,
5 Union City, New Jersey. Please stand for the
6 Pledge of Allegiance.

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

9 MR. AUTERI: This meeting has been
10 called in accordance with the Open Public Meetings
11 Act. Adequate notice has been provided to The
12 Jersey Journal, The Record, and The Hudson
13 Reporter and has posted on the bulletin board in
14 City Hall and made available to the public in the
15 Office of the Municipal Clerk.

16
17 **ROLL CALL:**

18 MR. AUTERI: Roll call.

19 Commissioner Fernandez.

20 COMMISSIONER FERNANDEZ: Here.

21 MR. AUTERI: Commissioner Grullon.

22 COMMISSIONER GRULLON: Here.

23 MR. AUTERI: Commissioner Valdivia.

24 COMMISSIONER VALDIVIA: Here.

25 MR. AUTERI: Commissioner Martinetti.

1 COMMISSIONER MARTINETTI: Here.

2 MR. AUTERI: Mayor Stack.

3 MAYOR STACK: Here.

4 (Whereupon, the Board discussed and took
5 action on the following items:

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

7 1. ORDINANCE REQUIRING MONITORED CARBON
8 MONOXIDE ALARMS)

9

10 MR. AUTERI: The first item on the
11 agenda are ordinances for introduction.

12 Adoption on first reading authorizes the
13 Municipal Clerk to advertise the Ordinance with a
14 notice of the introduction, together with a notice
15 of the time and place when the ordinances will be
16 considered for final passage. The ordinances will
17 be considered further at a meeting of the Board of
18 Commissioners to be held on Tuesday, February 1,
19 2022, at the Jose Marti Freshman Academy, 1800
20 Summit Avenue, Union City, New Jersey.

21 First ordinance is an ordinance
22 requiring monitored carbon monoxide alarms. May I
23 have a motion to introduce.

24 MAYOR STACK: Motion.

25 COMMISSIONER MARTINETTI: Second.

1 MR. AUTERI: Motion by Mayor Stack,
2 second by Commissioner Martinetti.

3 Commissioner Fernandez.

4 COMMISSIONER FERNANDEZ: Yes.

5 MR. AUTERI: Commissioner Grullon.

6 COMMISSIONER GRULLON: Yes.

7 MR. AUTERI: Commissioner Valdivia.

8 COMMISSIONER VALDIVIA: Yes.

9 MR. AUTERI: Commissioner Martinetti.

10 COMMISSIONER MARTINETTI: Yes.

11 MR. AUTERI: Mayor Stack.

12 MAYOR STACK: Yes.

13

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

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

17 2. ORDINANCE AUTHORIZING THE SALE OF
18 BLOCK 171, LOTS 35, 36, 37, AND 38 OTHERWISE KNOWN
19 AS 712-716 31st STREET TO THE NORTH HUDSON
20 COMMUNITY ACTION CORPORATION.)

21

22 MR. AUTERI: The next item being
23 considered for introduction is an ordinance
24 authorizing the sale of Block 171, Lots 35, 36,
25 37, and 38 otherwise known as 712-716 31st Street

1 to the North Hudson Community Action Corporation.
2 May I have a motion to introduce?

3 MAYOR STACK: Sure. Just for everyone's
4 knowledge, this is a building that's been used by
5 North Hudson CAP for as long as I can remember,
6 before the Union City Health Department was made.
7 They would be taking this property over and buying
8 the property from the City. It would be less
9 expensive for the City on the wear and tear of the
10 building and the maintenance and repairs on this
11 building. So this good for the City. I'll move
12 it, I'm sorry.

13 MR. AUTERI: Motion by Mayor Stack.

14 COMMISSIONER VALDIVIA: Second.

15 MR. AUTERI: Second by Commissioner
16 Valdivia. Commissioner Fernandez.

17 COMMISSIONER FERNANDEZ: Yes.

18 MR. AUTERI: Commissioner Grullon.

19 COMMISSIONER GRULLON: Yes.

20 MR. AUTERI: Valdivia.

21 COMMISSIONER VALDIVIA: Yes.

22 MR. AUTERI: Commissioner Martinetti.

23 COMMISSIONER MARTINETTI: Yes.

24 MR. AUTERI: Mayor Stack.

25 MAYOR STACK: Yes.

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

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

4 3. Ordinance setting forth requirements
5 fro mold inspection and remediation in occupied
6 buildings and structures.)

7
8 MR. AUTERI: Third ordinance is an
9 ordinance setting forth requirements for mold
10 inspection and remediation in occupied buildings
11 and structures.

12 May I have motion to introduce?

13 COMMISSIONER VALDIVIA: Motion.

14 MR. AUTERI: Motion by Commissioner
15 Valdivia.

16 COMMISSIONER GRULLON: Second.

17 MR. AUTERI: Second by Commissioner
18 Grullon. Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: Yes.

20 MR. AUTERI: Commissioner Grullon.

21 COMMISSIONER GRULLON: Yes.

22 MR. AUTERI: Commissioner Valdivia.

23 COMMISSIONER VALDIVIA: Yes.

24 MR. AUTERI: Commissioner Martinetti.

25 COMMISSIONER MARTINETTI: Yes.

1 MR. AUTERI: Mayor Stack.

2 MAYOR STACK: Yes.

3

4 (Whereupon, the Board discussed and took
5 action on the following items in total:

6 **CONSENT AGENDA:**

7 (1) Resolution approving the payment of claims

8 (2) Resolution approving the payment of
9 concurring claims

10 (3) Resolution approving the escrow refunds

11 (4) Resolution approving the City payroll -
12 12-18 to 12-31-21

13 (5) Resolution approving the library payroll -
14 12-18 to 12-31-21

15 (6) Resolution authorizing the adjustment of
16 estimated taxes for the first quarter

17 (7) Resolution cancelling unclaimed tax credits

18 (8) Resolution authorizing the refund of tax
19 appeals issued by the Hudson County Board of
20 Taxation

21 (9) Resolution authorizing award of contract for
22 the Washington Park East Project (Phase II)

23 (10) Resolution authorizing participation in the
24 nationwide settlement agreements with Johnson &
25 Johnson, McKesson, Cardinal Health, and

1 AmerisourceBergen to resolve claims involving
2 their roles in the country's opioid crisis
3 (11) Resolution amending 2021-2022 schedule of
4 the Board of Commissioners

5
6 MR. AUTERI: Next is the consent agenda,
7 there are 11 items on the consent agenda tonight.

8 The first is a resolution approving the
9 payment of claims.

10 Two, resolution approving the payment of
11 concurrent claims.

12 Three, resolution approving the escrow
13 refunds.

14 Four, resolution approving the City
15 payroll 12-18 to 12-31-21.

16 Five, resolution approving the library
17 payroll 12-18 to 12-31-21.

18 Six, resolution authorizing the
19 adjustment of estimated taxes for the first
20 quarter.

21 Seven, resolution cancelling unclaimed
22 tax credits.

23 Eight, a resolution authorizing the
24 refund of tax appeals issued by the Hudson County
25 Board of Taxation.

1 Nine is a resolution authorizing award
2 of contract for the Washington Park East project,
3 Phase II.

4 Ten is a resolution authorizing
5 participation in the nationwide settlement
6 agreements with Johnson & Johnson, McKesson,
7 Cardinal Health, and AmerisourceBergen to resolve
8 claims involving their roles the country's opioid
9 crisis.

10 Eleven is a resolution amending the
11 2021-2022 schedule of the Board of Commissioners.

12 Mayor, would you like to take public
13 comment on the Consent Agenda?

14 MAYOR STACK: Sure. Just before we do,
15 on the Consent Agenda, this is improvements that
16 we're doing, number nine on the agenda is
17 improvements to the Washington Park East, that
18 would be on Palisade Avenue between Paterson Plank
19 Road and Second Street. Additional improvements
20 that will be taking place in that park. We've
21 been working with the county to fix up that park
22 to the best of our ability and make it even nicer,
23 like we did on the other side of the park, where
24 we have the new field and the plantings. We'll be
25 doing additional plantings on that side also.

1 On number ten, which was the opioid
2 settlement, for lack of a better term, that will
3 bring a couple million dollars to Union City,
4 we'll be able to use, I believe for more like EMS
5 services and stuff like that. That's a nationwide
6 opioid settlement that was made. I don't know if,
7 Angelo, you want to expand on that a little bit?

8 MR. AUTERI: Sure, Mayor, the state --
9 it is a nationwide settlement and the state is
10 participating, the county is participating as
11 well. And this municipality is permitted to
12 participate on behalf of the county and get a
13 share of the proceeds. And, yes, those funds will
14 be restricted and spent on further battling
15 against the opioid crisis, which is an issue in
16 this country.

17 MAYOR STACK: Okay. Anyone wishing to
18 comment on the Consent Agenda, please step
19 forward, state your name and address for the
20 record? Seeing none.

21 MR. AUTERI: Motion to close public
22 comment?

23 COMMISSIONER FERNANDEZ: Second.

24 MR. AUTERI: Motion by Commissioner
25 Fernandez.

1 COMMISSIONER GRULLON: Second.
2 MR. AUTERI: Second by Commissioner
3 Grullon.
4 Commissioner Fernandez.
5 COMMISSIONER FERNANDEZ: Yes.
6 MR. AUTERI: Commissioner Grullon.
7 COMMISSIONER GRULLON: Yes.
8 MR. AUTERI: Commissioner Valdivia.
9 COMMISSIONER VALDIVIA: Yes.
10 MR. AUTERI: Commissioner Martinetti.
11 COMMISSIONER MARTINETTI: Yes.
12 MR. AUTERI: Mayor Stack.
13 MAYOR STACK: Yes.
14 MR. AUTERI: Do I have a motion to
15 approve all items on consent?
16 COMMISSIONER VALDIVIA: Motion.
17 MR. AUTERI: Motion by Commissioner
18 Valdivia.
19 MAYOR STACK: Second.
20 MR. AUTERI: Second by Mayor Stack.
21 Commissioner Fernandez.
22 COMMISSIONER FERNANDEZ: Yes.
23 MR. AUTERI: Commissioner Grullon.
24 COMMISSIONER GRULLON: Yes.
25 MR. AUTERI: Commissioner Valdivia.

1 COMMISSIONER VALDIVIA: Yes.

2 MR. AUTERI: Commissioner Martinetti.

3 COMMISSIONER MARTINETTI: Yes.

4 MR. AUTERI: Mayor Stack, before you
5 give your vote, Mayor Stack will be recusing on
6 all payments to Chasan, Lamparello, Mallon and
7 Cappuzzo.

8 MAYOR STACK: Yes.

9 MR. AUTERI: Yes by Mayor Stack, thank
10 you.

11 (Whereupon, the Board discussed and took
12 action on the following items:

13 **REGULAR AGENDA:**

14 1. Resolution of the Board of
15 Commissioner of the City of Union City, in the
16 County of Hudson, New Jersey, authorizing the
17 issuance and sale of its special emergency notes,
18 Series A of 2022 (federally taxable) in the
19 principal amount of up to \$1,097,000; and
20 authorizing such further actions and making such
21 determinations as may be necessary or appropriate
22 to effectuate the issuance and sale of said
23 special emergency notes.)

24

25 MR. AUTERI: Next on the agenda is

1 Regular Agenda, we have one item. It's a
2 resolution of the Board of Commissioners of the
3 City of Union City, in the County of Hudson, New
4 Jersey authorizing the issuance and sale of its
5 special emergency notes, Series A of 2022
6 (federally taxable) in the principal amount of up
7 to \$1,097,000; and authorizing such further
8 actions and making such determinations as may be
9 necessary or appropriate to effectuate the
10 issuance and sale of said special emergency notes.

11 Do I have a motion to approve this item
12 on the Regular Agenda.

13 MAYOR STACK: Motion.

14 MR. AUTERI: Motion by Mayor Stack.

15 COMMISSIONER GRULLON: Second.

16 MR. AUTERI: Second by Commissioner
17 Grullon. Commissioner Fernandez is recusing.
18 Commissioner Grullon.

19 COMMISSIONER GRULLON: Yes.

20 MR. AUTERI: Commissioner Valdivia.

21 COMMISSIONER VALDIVIA: Yes.

22 MR. AUTERI: Commissioner Martinetti.

23 COMMISSIONER MARTINETTI: Yes.

24 MR. AUTERI: Mayor Stack.

25 MAYOR STACK: Yes.

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

2

3 MR. AUTERI: Mayor, at this time, there
4 are no further items on the agenda, would you like
5 to take public comment on any matter concerning
6 business in Union City, municipal government?

7 MAYOR STACK: Sure. Anyone wants to
8 make comment at this time, please step forward,
9 state your name and address for the record.

10 I'd like to thank the Commissioners for
11 sharing the vision and moving 100 percent of our
12 meetings around the community. At this time, does
13 anyone have any comment or would like to step
14 forward? Yes, please.

15 MS. MARTINEZ: Hello.

16 MR. AUTERI: Can you give us your name
17 and address for the record, please?

18 MS. MARTINEZ: My name is Stephanie
19 Martinez, my address is 1105 Paterson Plank Road,
20 North Bergen, New Jersey. So I'd just like to
21 thank the Commissioners and Mayor for, you know,
22 listening to the concerned citizens. I have some
23 friends, residents from U.C. who came with me last
24 time to the other Commissioner's meeting --

25 MAYOR STACK: Yes.

1 MS. MARTINEZ: -- to talk about the
2 composting and possibly a community garden. And
3 we just wanted to, like, follow up with everyone
4 about partnering with the community compost. We
5 sent an email out and we included Andrea, who is
6 part of the community compost.

7 And we just wanted to know, like, what
8 are the next steps. And if we can get a better
9 email maybe, to directly, like, you know --

10 MAYOR STACK: It was definitely
11 received, I sent it to one of the directors and
12 she was out with COVID, but she's back in right
13 now. So I'm sure you'll be hearing from her
14 probably by the end of this week. I know they've
15 already begun to see what they need to order and
16 to make the program a reality, but we definitely
17 support it and we're going to do it.

18 MS. MARTINEZ: Okay.

19 MAYOR STACK: Can you just do me a favor
20 when you can because I noticed on the email there
21 were no phone numbers. I just need a couple
22 phones numbers, if you could get them to me?
23 Either email me the phone numbers tonight or you
24 could call my cell phone and just leave me the
25 phone numbers of whoever the contacts are. And

1 I'll make sure I get back to you and make sure the
2 director followed up with you.

3 MS. MARTINEZ: Okay. And then we can
4 like talk about maybe a one-on-one meeting?

5 MAYOR STACK: Sure, absolutely. If you
6 can, if you want to text me the number tonight?
7 You have my cell phone number?

8 MS. MARTINEZ: I think --

9 MAYOR STACK: It's 201-376-1942. Just
10 send me a text tonight saying you were here and
11 tomorrow I'll have somebody call you and we'll set
12 up a meeting. You got it, okay?

13 MS. MARTINEZ: Thank you so much.

14 MAYOR STACK: Thank you very much and
15 thank you for coming to the meeting. Thank you.

16 Anyone else wishing to comment at this
17 time, please step forward. Seeing no other,
18 Angelo?

19 MR. AUTERI: Motion to close public
20 comment?

21 COMMISSIONER MARTINETTI: Second.

22 MR. AUTERI: Motion by Commissioner
23 Martinetti.

24 COMMISSIONER VALDIVIA: Second.

25 MR. AUTERI: Second by Commissioner

1 Valdivia. Commissioner Fernandez.

2 COMMISSIONER FERNANDEZ: Yes.

3 MR. AUTERI: Commissioner Grullon.

4 COMMISSIONER GRULLON: Yes.

5 MR. AUTERI: Commissioner Valdivia.

6 COMMISSIONER VALDIVIA: Yes.

7 MR. AUTERI: Commissioner Martinetti.

8 COMMISSIONER MARTINETTI: Yes.

9 MR. AUTERI: Mayor Stack.

10 MAYOR STACK: Yes.

11

12 **LIQUOR LICENSE HEARINGS:**

13 1. Azucar Club, Inc.

14 T/a Azucar Night Club

15 421 - 43rd Street

16 0910-33-003-007

17

18 2. Don Ramon Restaurant, Inc.

19 T/a Don Ramon

20 4538 Bergenline Avenue

21 0910-33-047-004

22

23 3. LAR Corp.

24 T/a La Roca Bar

25 2115 West Street

1 **0910-33-182-005**

2
3 **4. Strike it Rich, LLC**

4 **T/a Bowl Rite Lanes**

5 **714 Summit Avenue**

6 **0910-33-185-005**

7
8 MR. AUTERI: There are no further items
9 on the agenda, we now have the liquor license
10 hearings.

11 MAYOR STACK: Mr. Farmer. How are you,
12 Mr. Farmer?

13 MR. FARMER: Good evening, Mayor and
14 Board, we have approximately four items that I
15 think are pretty much resolved. I didn't have the
16 agenda before I got up here, let me see. Okay.

17
18 **Azucar Club, Inc.**

19 **T/a Azucar Night Club**

20 **421 43rd Street**

21 **0910-33-003-007**

22 **(Anna Noris, Esq.)**

23
24 MR. FARMER: Azucar is the first one.
25 The licensee is represented by Anna Noris and the

1 licensee is here. We've had meetings with Azucar
2 last week and Lieutenant Dunlay was there.
3 And Azucar is presently suspended, serving
4 23 days. It was a disturbance at the place where
5 there was a spontaneous pushing and shoving, a
6 disturbance, okay. Somebody got hit and was
7 bleeding from his cheek, which was discovered down
8 the block by the police, everybody left.

9 And for the most part, what we've agreed
10 is another seven days to bring it to a total of
11 30 days. So Azucar will have been closed for the
12 first month of the year, which I think is a good
13 result. And, unfortunately, I think we'll be back
14 again, but that will take care of this one.

15 MAYOR STACK: Okay.

16 MS. NORIS: That is correct. So it
17 would have been a disturbance, my clients are well
18 aware of what transpired, after the fact. They
19 did not know what was transpiring at the time, but
20 they are aware of it now. And they're willing to
21 serve their suspension until February 1st.

22 MR. FARMER: Mayor and Board, this is a
23 recurring problem and I've talked to the licensee
24 about that, and I talk to all of them when they
25 come in. Specifically, when that incident

1 happens, whether it's a fight, whether it's a
2 disturbance, whether there's anything that looks
3 like trouble, call the police. And many licensees
4 are reluctant to do that, but I tell them every
5 time they come here. And needless to say, a place
6 like Azucar has an incident, they don't call the
7 police, they're serving a 30 day suspension here.

8 MAYOR STACK: Please, if you can
9 cooperate, if there's any problem, call the police
10 right away. We'll take that into consideration,
11 absolutely.

12 MR. FARMER: Okay, that's it.

13 MS. NORIS: Thank you.

14 MR. AUTERI: We have your appearance?

15 MS. NORIS: Anna Noris from West New
16 York on behalf of the licensee.

17 MR. AUTERI: And, Greg, did you have a
18 recommendation?

19 MR. FARMER: It would be seven days,
20 that would be from the end of the first suspension
21 which ends on the 24th to February 1st.

22 MAYOR STACK: I'll make a motion to
23 approve.

24 MR. AUTERI: Motion by Mayor Stack.

25 COMMISSIONER VALDIVIA: Second.

1 MR. AUTERI: Second by Commissioner
2 Valdivia. Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: Yes.

4 MR. AUTERI: Commissioner Grullon.

5 COMMISSIONER GRULLON: Yes.

6 MR. AUTERI: Commissioner Valdivia.

7 COMMISSIONER VALDIVIA: Yes.

8 MR. AUTERI: Commissioner Martinetti is
9 recusing. Mayor Stack.

10 MAYOR STACK: Yes.

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1 **Don Ramon Restaurant**

2 **T/a Don Ramon**

3 **4538 Bergenline Avenue**

4 **0910-33-047-004**

5 **(Tomas Paneque, Esq.)**

6 MR. FARMER: Next one is Don Ramon
7 Restaurant at 48th and Bergenline. Counsel is
8 here with his client and --

9 MR. PANEQUE: Good evening, Mayor,
10 Honorable Ladies and Gentlemen Commissioners,
11 Tomas R. Paneque, attorney for the defendant, Don
12 Ramon Restaurant.

13 MR. FARMER: What we've done here is
14 this, there was a disturbance, the police
15 responded, and it was pretty much outside. And
16 later on, the police came as a routine check, so
17 to speak, and all the paperwork was in order, but
18 the camera. The camera, which we have an
19 ordinance that says we have to have cameras on all
20 the entrances and exits, so that they can recorded
21 and see what generally happens. Because quite
22 frankly, pretty much three spots where problems
23 are happening, while you're coming in, going out,
24 and while you're at the bar inside.

25 Now, when the police checked it, they

1 found -- and you have to have that camera and the
2 information recorded for 60 days, all right.
3 Police went in there, he had the camera working,
4 but he didn't have it to the capacity that it was
5 supposed to have and it was only 24 days. Now, I
6 don't know what anybody here is thinking, but if
7 somebody is thinking that, hey, what are you
8 talking about here, it's only 24 days, I mean it's
9 good faith, he's trying to do the right thing.
10 Well, the answer to that is the police, from the
11 top to the bottom, have said that violation of
12 ordinances in town, regardless of the
13 circumstances, is 10 days, hard and fast line
14 drawn in the sand, okay.

15 So obviously, this is maybe somewhat
16 sympathetic. I told counsel what the policy was,
17 Lieutenant Dunlay is here and he can articulate as
18 well, but they're steadfast ordinance violation,
19 10 days.

20 LIEUTENANT DUNLAY: Mayor and
21 Commissioners, the reason why we have the 10 day
22 rule is specifically just on the cameras and the
23 bottle ordinance because we wanted to get
24 100 percent compliance on that. So that's why
25 we've drawn the line in the sand where we feel --

1 and you guys can make your decision -- but we felt
2 that 10 days for the first offense has to be the
3 rule set in place so we can generate that
4 100 percent compliance throughout the City. So I
5 understand they had 24 days, they're going to say
6 they added cameras and they did upgrade the
7 system. But that's neither here nor there, at the
8 end of the day, the rule is 60 days.

9 MR. FARMER: Just one last thing, this
10 Board authorizes and puts on, along with the Union
11 City Police Department, specifically Lieutenant
12 Dunlay, a yearly training session. We had it at
13 the high school, it was very well attended.
14 Lieutenant Dunlay does a good job with it,
15 explaining the rules, regulations, and so forth,
16 both in English and Spanish and we have handouts.
17 And we even give them lunch, okay.

18 When we had this was back in June or so,
19 Lieutenant Dunlay expressly says, we have this
20 ordinance on the cameras and the cameras are this
21 that and the other thing. Now, I'm telling you
22 that we're going to have a little grace period,
23 send people around because you all know that from
24 here on out, starting now, it's 60 days. You want
25 to add anything?

1 LIEUTENANT DUNLAY: No, that was pretty
2 much it.

3 MAYOR STACK: Do you have anything you'd
4 like to add, sir?

5 MR. PANEQUE: Yes, Mayor Stack,
6 Commissioners. There's no doubt that we have a
7 hard and fast line with respect to this violation.
8 The fact is that prior to this, there had not been
9 a violation cited and that's because the old
10 system or the system that was there had the
11 capacity for the 60 days. That capacity went down
12 to 24 days as a result of my client having
13 additional cameras installed for extra security
14 reasons. Unaware that by adding more camera, more
15 film was being put into the system, more footage.
16 And as a result it dropped down the capacity from
17 the 60 days to the 24 days. So he thought he was
18 actually doing something positive and it turned
19 out that, unbeknownst to him, because the
20 technician who did it did not inform him of this,
21 that the capacity in the system was reduced.

22 The fact is that, as I stated, he had
23 never been cited for this because he was in
24 compliance. He had always been in compliance.
25 And he, to a certain degree, was in compliance.

1 It was noted in the report, it says that the
2 system was taping up to 24 days instead of the 60.

3 We have special circumstances during
4 this COVID period, and I implore this Board and
5 the Mayor to take those special circumstances into
6 consideration. This restaurant was closed for a
7 period of about eight months during COVID, from
8 March to October. Additionally, we all know what
9 inflation is doing. What this Board may not know
10 is that inflation is hitting these restaurant
11 facilities to the utmost. As an example, chicken
12 legs, a box of chicken legs used to be \$23, it's
13 now \$55. Chicken thighs used to be \$36, it's now
14 100 plus. Their margin has been greatly reduced,
15 also as a result of COVID, and the fact that not
16 many patrons are visiting the restaurant as they
17 used. It's been reduced by about 60 percent.

18 So I understand the hard and fast aspect
19 of the rule and I can appreciate that. But take
20 into consideration that this was not done with any
21 either mal-intent or forethought, it was just
22 actually an act to have more security in the
23 premises.

24 Additionally -- and this is something
25 that we're presenting to the Board, my client

1 employs ten individuals, six in the restaurant and
2 four in the kitchen. A ten-day suspension means
3 that these ten individuals who are all Union City
4 residents are going to be without salary for those
5 ten days. He can't afford to pay them during
6 those ten days. And I ask that the Board take
7 into consideration that fact.

8 Normally, ten days hard and fast would
9 be acceptable under the circumstances. I ask for
10 some leniency here. Thank you, Mayor.

11 MAYOR STACK: Mr. Farmer, you have
12 anything you'd like to add? Lieutenant Dunlay?

13 MR. FARMER: No.

14 LIEUTENANT DUNLAY: No.

15 MAYOR STACK: The thing that concerns me
16 is the fact that they had did have 24 days, right,
17 and the fact they added more cameras, that
18 concerns me that it dropped. I don't know what
19 the exact term would be, but it dropped on the
20 amount of time that they had for recording
21 purposes, that was the main issue, right?

22 LIEUTENANT DUNLAY: Yes.

23 MAYOR STACK: How many more cameras were
24 added?

25 MR. PANEQUE: Two more cameras.

1 MAYOR STACK: Two more cameras. And is
2 that the case, that it went down because of adding
3 the additional cameras?

4 LIEUTENANT DUNLAY: I'm not a
5 technician, sir, I couldn't answer that question.
6 I don't know if the settings may have been
7 changed. I can't speak to why. I know it was
8 inspected originally, when we did the full
9 inspection, it did have 60 days at one point.
10 Now, what happened now that it's only holding
11 24 days, I can't answer to that.

12 MAYOR STACK: And there were two more
13 cameras added?

14 LIEUTENANT DUNLAY: To my understanding,
15 yes.

16 MR. PANEQUE: If I might, Mayor, as soon
17 as my client was informed of the situation with
18 the drop in days from 60 to 24, the matter was
19 immediately addressed. He had the fire prevention
20 company that does the work for these cameras come
21 in and they addressed the problem. That has been
22 provided to Mr. Farmer. So it's also not a
23 question of, hey, I'm not dealing with the issue.
24 As soon as he became aware of it, he dealt with it
25 immediately.

1 MAYOR STACK: And how has this
2 establishment been before, Lieutenant? How was
3 their record on ABC violations?

4 MR. FARMER: Give me a minute to pull it
5 up.

6 MAYOR STACK: It's been awhile since --

7 LIEUTENANT DUNLAY: It has, it has. I
8 believe the last major issue he had was when the
9 state came in, when the state ABC came in and that
10 was several years ago.

11 MAYOR STACK: Okay. The fact that they
12 added cameras, I mean I would say is a good thing,
13 right? No matter where the camera got added,
14 we're picking up additional area maybe that we
15 wouldn't have picked up before or maybe better
16 clarity. That's the only thing I'm looking at. I
17 do understand the financial impact and the way
18 inflation is going, I do understand. That's why
19 I'm asking these questions, so we can make a fair
20 decision.

21 What would you believe, Mr. Paneque,
22 what would you believe would be a fair --

23 MR. FARMER: Just for your information,
24 this is the invoice --

25 MAYOR STACK: Sure, thank you.

1 MR. FARMER: -- for the work they did.
2 And I will tell you what the record was.

3 MR. PANEQUE: Mayor, to answer your
4 question, what I believe would be fair in this
5 circumstance would be a warning. And the reason
6 for that is any suspension impacts a number of
7 lives here. It impacts my client, which for the
8 last year and a half has barely only been making
9 ends meet. The cost of the product that he has to
10 buy for this restaurant is eating up all the
11 profits, the rent in this establishment is quite
12 high because of its location. And employment is
13 quite high because as it's common knowledge, it's
14 been very hard for these establishments to get
15 people to work in the restaurant business and even
16 to retain them, okay. Not that a person working
17 in the kitchen deserves anything less, but they're
18 demanding salaries of upwards of 20 something
19 dollars an hour. And if you don't pay it, they'll
20 get hired somewhere else. So it's really hitting
21 the bottom line.

22 And under all those circumstances, the
23 fact that it was not done with any kind of intent,
24 it was, for lack of a better word, just negligence
25 out of an act that he thought was going to be a

1 betterment for the stability, adding more cameras,
2 a stern warning is what we would suggest.

3 MR. FARMER: If I might? First of all,
4 you asked me what the record is. For the most
5 part, the last offense was in March of '17, a
6 ten-day suspension, pretty much got to go back to
7 2012, so eight or nine years, there was a six-day
8 suspension, three-day suspension, all the way back
9 to the '90s.

10 You know, there's a number of ways you
11 can look at this. You can look at it as ten days
12 suspension; you can look at it as here's a
13 warning, no suspension; you could look at it as
14 maybe not ten days, maybe something else. Maybe
15 you could look at it as well, maybe we'll do this.
16 Since you say you're a good guy, we're going to
17 agree to make it a ten-day suspension, but we'll
18 suspend that or you could do a five-day serving
19 and a five-day suspension. Those are the variety
20 of things that you can do in coming to a decision
21 as to what you want. You've heard what the police
22 position is, you've heard what Mr. Espinosa
23 said -- oh, Mr. Paneque.

24 MAYOR STACK: What I think I would be
25 inclined to do, being that there was an attempt to

1 put additional cameras in, being that the attempt
2 here was done right away, as soon as he was
3 notified, looking at the record of the
4 establishment and I treat the camera ordinance
5 very serious, that and the bottle ordinance, we
6 worked hard on it, Lieutenant Dunlay and myself
7 and others in the department. I would have the
8 ten-day, just hold it. If they don't have any
9 other issues or anything, it just gets wiped out.

10 LIEUTENANT DUNLAY: For a year, sir?

11 MAYOR STACK: Yes.

12 MR. AUTERI: Motion by Mayor Stack.

13 COMMISSIONER VALDIVIA: Second.

14 MR. AUTERI: Second by Commissioner
15 Valdivia. Commissioner Fernandez.

16 COMMISSIONER FERNANDEZ: Yes.

17 MR. AUTERI: Commissioner Grullon.

18 COMMISSIONER GRULLON: Yes.

19 MR. AUTERI: Commissioner Valdivia.

20 COMMISSIONER VALDIVIA: Yes.

21 MR. AUTERI: Commissioner Martinetti.

22 COMMISSIONER MARTINETTI: Yes.

23 MR. AUTERI: Mayor Stack.

24 MAYOR STACK: Yes. I've never known the
25 establishment to be a bad establishment or

1 anything like that, so I think this is only fair.
2 And just keep running the establishment the way
3 you've been running it. I know there was an
4 attempt made to put additional cameras, that's
5 something we welcome. So you make a good argument
6 what you said today.

7 MR. PANEQUE: Thank you, Commissioners.
8 Have a good night.

9 MAYOR STACK: Thank you very much.
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1 **LAR Corp.**
2 **T/a La Roca Bar**
3 **2115 West Street**
4 **0910-33-182-005**
5 **(Anna Noris, Esq.)**

6
7 MR. FARMER: Next one is La Roca, and
8 licensee and counsel, Ms. Noris, are both here.

9 MS. NORIS: Anna Noris, 6120 Bergenline
10 Avenue, West New York, on behalf of La Roca.

11 MR. FARMER: We've had a conference with
12 this and the facts are, again, this is a
13 disturbance. This is one of two existing go-go
14 bars that still are in existence in Union City,
15 maybe three because Quick Sand at 8th Street and
16 New York Avenue?

17 MAYOR STACK: 7th.

18 MR. FARMER: 7th, yeah. But let's see
19 what happens with that. But in any event, this
20 is -- what happened was pretty much a disturbance.
21 A guy comes in, he's intoxicated, he harasses or
22 hassles the dancer, customer steps in. There's a
23 shoving match, he throws the guy out. And shortly
24 after, the guy who intervened leaves, that's the
25 whole story.

1 We've come up with a suggestion for a
2 resolution of five days, Monday through Friday and
3 those days, Anna?

4 MS. NORIS: The 24th --

5 MR. FARMER: To February 1st.

6 MS. NORIS: To February 1st.

7 MAYOR STACK: January 24th to
8 February 1st?

9 MS. NORIS: Correct, they would be open
10 on the 1st.

11 MAYOR STACK: Do you want to add
12 anything?

13 MS. NORIS: No, I have nothing further.

14 MAYOR STACK: Okay. I'll make a motion
15 to approve.

16 MR. AUTERI: Motion by Mayor Stack.

17 COMMISSIONER FERNANDEZ: Second.

18 MR. AUTERI: Second by Commissioner
19 Fernandez. Commissioner Fernandez.

20 COMMISSIONER FERNANDEZ: Yes.

21 MR. AUTERI: Commissioner Grullon.

22 COMMISSIONER GRULLON: Yes.

23 MR. AUTERI: Commissioner Valdivia.

24 COMMISSIONER VALDIVIA: Yes.

25 MR. AUTERI: Commissioner Martinetti is

1 recusing. Mayor Stack.

2 MAYOR STACK: Yes.

3 MR. FARMER: That's it.

4 MAYOR STACK: Thank you very much.

5 MS. NORIS: Thank you very much, Mayor
6 and to the Board as well.

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1 **Strike It Rich, LLC**

2 **T/a Bowl Rite Lanes**

3 **714 Summit Avenue**

4 **0910-33-185-005**

5 MR. FARMER: The last one on your
6 calendar is Strike It Rich, that's the bowling
7 alley down on Summit Avenue and 7th Street.
8 Situation is there are people on the bowling
9 leagues who get into a dispute between them,
10 really it's got nothing to do with the bar, nobody
11 was drunk, there wasn't any loud -- there wasn't
12 any indication of something happening as far as
13 the bar was concerned.

14 What happened is guy's got a girlfriend,
15 he also has an old girlfriend and he has a child
16 with her. They all decide to go bowling on the
17 same night at the same time, and this doesn't have
18 anything to do with that. And what happens is
19 there are words exchanged, somebody pulls out
20 mace, one of the bad things I guess about mace and
21 sprays one of the people, all chaos breaks out
22 between the four of them, and they eventually
23 leave.

24 There's nothing here, I seek to dismiss
25 it.

1 MAYOR STACK: Okay. Did you have
2 contact with the owner of this establishment?

3 MR. FARMER: Yes.

4 LIEUTENANT DUNLAY: Yes.

5 MAYOR STACK: I just want to make sure.

6 LIEUTENANT DUNLAY: He was there on --

7 MAYOR STACK: Okay. Yes.

8 MR. AUTERI: Motion to dismiss? Second
9 by Commissioner Martinetti, moved by Mayor Stack.
10 Commissioner Fernandez.

11 COMMISSIONER FERNANDEZ: Yes.

12 MR. AUTERI: Commissioner Grullon.

13 COMMISSIONER GRULLON: Yes.

14 MR. AUTERI: Commissioner Valdivia.

15 COMMISSIONER VALDIVIA: Yes.

16 MR. AUTERI: Commissioner Martinetti.

17 COMMISSIONER MARTINETTI: Yes.

18 MR. AUTERI: Mayor Stack.

19 MAYOR STACK: Yes.
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1 **ADJOURNMENT:**

2 MR. AUTERI: Mayor, there are no further
3 items on the agenda. May I have a motion to
4 adjourn?

5 MAYOR STACK: Motion.

6 COMMISSIONER VALDIVIA: Second.

7 MAYOR STACK: Did you want to say
8 something?

9 COMMISSIONER VALDIVIA: No.

10 MR. AUTERI: Motion by Mayor Stack,
11 second by Commissioner Valdivia. All in favor?
12 All opposed. The time is now 7:38. Thank you.

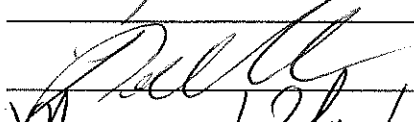
13 (All Board Members indicate in the
14 affirmative.)

15
16 (Whereupon the matter was adjourned at
17 7:38 p.m.)

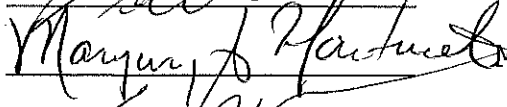
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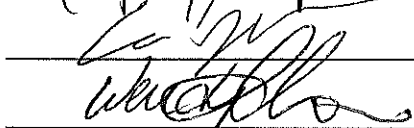
Brian P. Stack



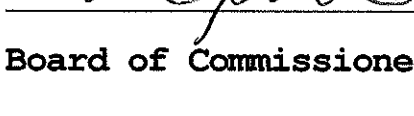
Lucio P. Fernandez



Maryury A. Martinetti



Celin J. Valdivia



Wendy A. Grullon

Board of Commissioners

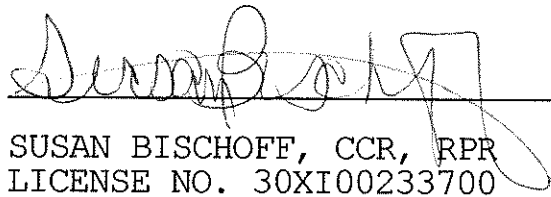
Attest:

Angelo Auteri, Esq.,

Corporation Counsel

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.



SUSAN BISCHOFF, CCR, RPR
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