

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

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

THE JOSE MARTI FRESHMAN ACADEMY
1800 Summit Avenue
Union City, New Jersey

TUESDAY, FEBRUARY 1, 2022
Commencing at 7:03 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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1 MR. AUTERI: This is a regular public
2 meeting of the Union City Board of Commissioners
3 being held on February 1, 2022, 7:00 p.m. at The
4 Jose Marti Freshman Academy, 1800 Summit Avenue,
5 Union City, New Jersey. In accordance with
6 Governor Murphy's Executive Order, proper
7 precautions and proper social distancing
8 procedures will be in place.

9 Please stand for the Pledge of
10 Allegiance.

11
12 (Whereupon, the Pledge of Allegiance was
13 recited by all.)

14
15 MR. AUTERI: This meeting has been
16 called in accordance with the Open Public Meetings
17 Act. Adequate notice of this meeting has been
18 provided to The Jersey Journal, The Record, and
19 The Hudson Reporter and has been posted on the
20 bulletin board in City Hall and made available to
21 the public in the Office of the Municipal Clerk.

22
23 **ROLL CALL:**

24
25 MR. AUTERI: Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Here.

2 MR. AUTERI: Commissioner Grullon.

3 COMMISSIONER GRULLON: Here.

4 MR. AUTERI: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: Here.

6 MR. AUTERI: Commissioner Martinetti.

7 COMMISSIONER MARTINETTI: Here.

8 MR. AUTERI: Mayor Stack.

9 MAYOR STACK: Here.

10

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

13 **APPROVAL OF MEETING MINUTES - REGULAR MEETING -**
14 **JANUARY 18, 2022.)**

15

16 MR. AUTERI: First item on the agenda is
17 the approval of meeting minutes. May I have a
18 motion to approve meeting minutes for the
19 January 18, 2022, Board of Commissioners meeting?

20 COMMISSIONER VALDIVIA: Motion.

21 COMMISSIONER MARTINETTI: Motion.

22 MR. AUTERI: Motion by Commissioner
23 Valdivia, second by Commissioner Martinetti.

24 Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: Yes.

1 MR. AUTERI: Commissioner Grullon.

2 COMMISSIONER GRULLON: Yes.

3 MR. AUTERI: Commissioner Valdivia.

4 COMMISSIONER VALDIVIA: Yes.

5 MR. AUTERI: Commissioner Martinetti.

6 COMMISSIONER MARTINETTI: Yes.

7 MR. AUTERI: Mayor Stack.

8 MAYOR STACK: Yes.

9

10 (Whereupon, the Board discussed and took
11 action on the following items in total:

12 **CONSENT AGENDA:**

13 (1) Resolution Approving the Payment of Claims

14 (2) Resolution Approving the Payment of
15 Concurring Claims

16 (3) Resolution Approving the City Payroll -
17 01-1-2022 to 01-14-2022

18 (4) Resolution Approving the Library Payroll -
19 01-2-2022 to 01-14-2022

20 (5) Resolution Approving Refund of Redemption
21 Monies to Outside Lienholders

22 (6) Resolution Authorizing the Refund of Premium
23 Monies Collected at the Tax Sale

24 (7) Resolution to Correct Improvement Value Tax

25 (8) Resolution Authorizing Participation In The

1 Defense Logistics Agency, Law Enforcement Support
2 Office, 133 Program To Enable The Union City
3 Police Department to Request and Acquire Excess
4 Department of Defense Equipment

5 (9) Resolution Appointing Norma Lopez Perez to
6 Union City Redevelopment Agency

7 (10) Resolution Authorizing Agreement for Court
8 Reporter Services for the City of Union City

9 (11) Resolution to Amend Locations of Early Voting
10 Sites for the City of Union City Municipal
11 Election in May of 2022

12 (12) Amending Resolution Awarding Contract to
13 Municode for Codification Services.)

14
15 MR. AUTERI: Next is consent agenda.
16 There are 12 items on the consent agenda.

17 The first is resolution approving the
18 payment of claims.

19 Number two, resolution approving the
20 payment of concurrent claims.

21 Three, resolution approving the City
22 payroll from 1-1-2022 to 1-14-2022.

23 Four, resolution approving the library
24 payroll from 1-1-2022 to 1-14-2022.

25 Five, resolution approving refund of

1 redemption monies to outside lienholders.

2 Six, resolution authorizing the refund
3 of premium monies collected at the tax sale.

4 Seven, resolution to correct improvement
5 value tax.

6 Eight, resolution authorizing
7 participation in the defense logistics agency law
8 enforcement support office 1033 program to enable
9 the Union City Police Department to request and
10 acquire excess Department of Defense equipment.

11 Nine, a resolution appointing Norma
12 Lopez Perez to Union City Redevelopment Agency.

13 Ten, resolution authorizing agreement
14 for court reporter services for the City of Union
15 City.

16 Eleven, resolution to amend location of
17 early voting sites for the City of Union City
18 municipal election in May of 2022.

19 Twelve, amending resolution awarding
20 contracts to Municode for codification services.

21 Mayor, at this time, would you like to
22 take public comment on the consent agenda?

23 MAYOR STACK: Sure. Anyone wishing to
24 comment on the consent agenda, please step
25 forward, state your name and address for the

1 record. Seeing none.

2 MR. AUTERI: Motion to close public
3 comment.

4 COMMISSIONER GRULLON: Motion.

5 COMMISSIONER MARTINETTI: Second.

6 MR. AUTERI: Motion by Commissioner
7 Grullon, second by Commissioner Martinetti.

8 Commissioner Fernandez.

9 COMMISSIONER FERNANDEZ: Yes.

10 MR. AUTERI: Commissioner Grullon.

11 COMMISSIONER GRULLON: Yes.

12 MR. AUTERI: Commissioner Valdivia.

13 COMMISSIONER VALDIVIA: Yes.

14 MR. AUTERI: Commissioner Martinetti.

15 COMMISSIONER MARTINETTI: Yes.

16 MR. AUTERI: Mayor Stack.

17 MAYOR STACK: Yes.

18 MR. AUTERI: We have a motion to approve
19 all items on the consent agenda?

20 COMMISSIONER MARTINETTI: Motion.

21 MR. AUTERI: Motion by Commissioner
22 Martinetti.

23 MAYOR STACK: Second.

24 MR. AUTERI: Second by Mayor Stack.
25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Recuse on
2 number 9, otherwise yes.

3 MR. AUTERI: Commissioner Fernandez is
4 recusing on number 9 and yes to the rest.
5 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 **REGULAR AGENDA:**

17 1. Resolution Authorizing Payment of Claims to
18 the Hudson County Improvement Authority.)

19

20 MR. AUTERI: Next is the regular agenda.
21 We have four items on the regular agenda tonight.
22 The first is a resolution authorizing payment of
23 claims for the Hudson County Improvement
24 Authority.

25 May I have a motion to approve item

1 number 1?

2 COMMISSIONER GRULLON: Motion.

3 COMMISSIONER VALDIVIA: Motion.

4 MR. AUTERI: Motion by Commissioner
5 Grullon, second by Commissioner Valdivia.

6 Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: Yes.

8 MR. AUTERI: Commissioner Grullon.

9 COMMISSIONER GRULLON: Yes.

10 MR. AUTERI: Commissioner Valdivia.

11 COMMISSIONER VALDIVIA: Yes.

12 MR. AUTERI: Commissioner Martinetti is
13 recusing. Mayor Stack.

14 MAYOR STACK: Yes.

15

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

18 **REGULAR AGENDA:**

19 2. Resolution Re: Governing Body Certification
20 of the Annual Audit.)

21

22 MR. AUTERI: Second item is a resolution
23 regarding governing body certification of the
24 annual audit.

25 May I have a motion to approve item 2 on

1 the regular agenda?

2 COMMISSIONER MARTINETTI: Motion.

3 MR. AUTERI: Motor by Commissioner
4 Martinetti.

5 COMMISSIONER VALDIVIA: Second.

6 MR. AUTERI: Second by Commissioner
7 Valdivia. Commissioner Fernandez.

8 COMMISSIONER FERNANDEZ: Yes.

9 MR. AUTERI: Commissioner Grullon.

10 COMMISSIONER GRULLON: Yes.

11 MR. AUTERI: Commissioner Valdivia.

12 COMMISSIONER VALDIVIA: Yes.

13 MR. AUTERI: Commission Martinetti.

14 COMMISSIONER MARTINETTI: Yes.

15 MR. AUTERI: Mayor Stack.

16 MAYOR STACK: Yes.

17

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

20 3. Resolution Approving and Accepting State
21 Fiscal Year 2021 Corrective Action Plan.)

22

23 MR. AUTERI: The third item on the
24 regular agenda is a resolution approving and
25 accepting state fiscal year 2021 corrective action

1 plan.

2 May have a motion to approve item 3?

3 MAYOR STACK: Motion.

4 MR. AUTERI: Motion by Mayor Stack.

5 COMMISSIONER GRULLON: Second.

6 MR. AUTERI: Second by Commissioner

7 Grullon. Commissioner Fernandez.

8 COMMISSIONER FERNANDEZ: Yes.

9 MR. AUTERI: Commissioner Grullon.

10 COMMISSIONER GRULLON: Yes.

11 MR. AUTERI: Commissioner Valdivia.

12 COMMISSIONER VALDIVIA: Yes.

13 MR. AUTERI: Commissioner Martinetti.

14 COMMISSIONER MARTINETTI: Yes.

15 MR. AUTERI: Mayor Stack.

16 MAYOR STACK: Yes.

17

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

20 **REGULAR AGENDA:**

21 4. Resolution to Anticipate Miscellaneous
22 Revenues in the Fiscal Year 2022 Budget Using the
23 Three-year Average of Realized Revenues From the
24 Prior Three Years.)

25

1 MR. AUTERI: The fourth item is a
2 resolution to anticipates miscellaneous revenues
3 in the fiscal year 2022 budget using the three
4 year average of realized revenues from the prior
5 three years.

6 May I have a motion to approve item 4 on
7 the regular agenda?

8 MAYOR STACK: Motion.

9 COMMISSIONER VALDIVIA: Motion.

10 MR. AUTERI: Motion by Mayor Stack
11 second by Commissioner Valdivia. Commissioner
12 Fernandez.

13 COMMISSIONER FERNANDEZ: Yes.

14 MR. AUTERI: Commissioner Grullon.

15 COMMISSIONER GRULLON: Yes.

16 MR. AUTERI: Commissioner Valdivia.

17 COMMISSIONER VALDIVIA: Yes.

18 MR. AUTERI: Commissioner Martinetti.

19 COMMISSIONER MARTINETTI: Yes.

20 MR. AUTERI: Mayor Stack.

21 MAYOR STACK: Yes.

22

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

25 **ORDINANCES FOR HEARING AND ADOPTION CONSIDERATION:**

1 1. ORDINANCE REQUIRING MONITORED CARBON
2 MONOXIDE ALARMS.)

3
4 MR. AUTERI: The next item on the agenda
5 are ordinances for hearing and adoption
6 consideration. There are three ordinances being
7 considered for adoption tonight.

8 The first is an ordinance requiring
9 monitored carbon monoxide alarms.

10 May I have a motion to take public
11 comment on the ordinance?

12 MAYOR STACK: Motion.

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: 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 MR. AUTERI: If anyone would like to
2 comment on this ordinance, please come forward and
3 stated your name in the record.

4 MAYOR STACK: Anyone wishing to comment
5 on the ordinance requiring carbon monoxide alarms,
6 monitored carbon monoxide alarms. This is being
7 done just as an additional safety feature in
8 structures throughout the City to protect people
9 from carbon monoxide poisoning. Anyone wishing to
10 comment at this time, please step forward, state
11 your name and address for the record. Seeing
12 none.

13 MR. AUTERI: Motion to close public
14 comment and adopt.

15 COMMISSIONER VALDIVIA: Motion.

16 MR. AUTERI: Motion by Commissioner
17 Valdivia.

18 COMMISSIONER FERNANDEZ: Second.

19 MR. AUTERI: Second by Commissioner
20 Fernandez.

21 COMMISSIONER FERNANDEZ: Yes.

22 MR. AUTERI: Commissioner Grullon.

23 COMMISSIONER GRULLON: Yes.

24 MR. AUTERI: Commissioner Valdivia.

25 COMMISSIONER VALDIVIA: Yes.

1 MR. AUTERI: Commissioner Martinetti.

2 COMMISSIONER MARTINETTI: Yes.

3 MR. AUTERI: Mayor Stack.

4 MAYOR STACK: Yes.

5

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

8 **ORDINANCES FOR HEARING AND ADOPTION CONSIDERATION:**

9 2. ORDINANCE AUTHORIZING THE SALE OF BLOCK 171,
10 LOTS 35, 36, 37 AND 38 OTHERWISE KNOWN AS 712-716
11 31ST STREET TO THE NORTH HUDSON COMMUNITY ACTION
12 CORPORATION.)

13

14 MR. AUTERI: Second is an ordinance
15 authorizing the sale of Block 171, Lots 35, 36,
16 37, and 38 otherwise known as 712-716 31st Street
17 to the North Hudson Community Action Corporation.

18 May I have a motion to take public
19 comment on this ordinance?

20 MAYOR STACK: Motion.

21 MR. AUTERI: Motion by Mayor Stack.

22 COMMISSIONER GRULLON: Second.

23 MR. AUTERI: Second by Commissioner
24 Grullon. Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: Yes.

1 MR. AUTERI: Commissioner Grullon.

2 COMMISSIONER GRULLON: Yes.

3 MR. AUTERI: Commissioner Valdivia.

4 COMMISSIONER VALDIVIA: Yes.

5 MR. AUTERI: Commissioner Martinetti.

6 COMMISSIONER MARTINETTI: Yes.

7 MR. AUTERI: Mayor Stack.

8 MAYOR STACK: Yes.

9 MR. AUTERI: Anyone wishing to comment
10 on the ordinance, please step forward and state
11 your name and address for the record.

12 MAYOR STACK: Anyone wishing to comment
13 on the ordinance with the sale of 712-716 31st
14 Street to North Hudson Community Action. This the
15 old health department building at 714-716 31st
16 Street. The City has rented it to North Hudson
17 Community Action for many, many years. I think
18 even before I became the mayor it goes back to.
19 Possibly, we could sell it to them. It would
20 actually save the City money by selling it to
21 them, and the City would get a one-time revenue
22 for the community, another item that we wanted to
23 use it for, possibly for a park or the
24 beautification of our community. But it's a
25 building that's not being used and we're renting

1 right now. So it would be a sale which would be
2 beneficial to the taxpayer. Anyone wishing to the
3 comment on this ordinance for the sale of 712-716
4 31st Street to North Hudson Community Action.
5 Seeing none.

6 MR. AUTERI: May I have a motion to
7 close and adopt.

8 COMMISSIONER VALDIVIA: Motion.

9 MR. AUTERI: Motion by Commissioner
10 Valdivia.

11 COMMISSIONER MARTINETTI: Second.

12 MR. AUTERI: Second by Commissioner
13 Martinetti. Commissioner Fernandez.

14 COMMISSIONER FERNANDEZ: Yes.

15 MR. AUTERI: Commissioner Grullon.

16 COMMISSIONER GRULLON: Yes.

17 MR. AUTERI: Commissioner Valdivia.

18 COMMISSIONER VALDIVIA: Yes.

19 MR. AUTERI: Commissioner Martinetti.

20 COMMISSIONER MARTINETTI: Yes.

21 MR. AUTERI: Mayor Stack.

22 MAYOR STACK: Yes.

23

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

ORDINANCES FOR HEARING AND ADOPTION CONSIDERATION

3. ORDINANCE SETTING FORTH REQUIREMENTS FOR
MOLD INSPECTION AND REMEDIATION IN OCCUPIED
BUILDINGS AND STRUCTURES.)

MR. AUTERI: Third and final ordinance
is an ordinance setting forth requirements for
mold inspection and remediation in occupied
buildings and structures.

May I have a motion to take public
comment on the --

MAYOR STACK: Motion.

MR. AUTERI: Motion by Mayor Stack.

COMMISSIONER FERNANDEZ: Second.

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

COMMISSIONER FERNANDEZ: Yes.

MR. AUTERI: Commissioner Grullon.

COMMISSIONER GRULLON: Yes.

MR. AUTERI: Commissioner Valdivia.

COMMISSIONER VALDIVIA: Yes.

MR. AUTERI: Commissioner Martinetti.

COMMISSIONER MARTINETTI: Yes.

MR. AUTERI: Mayor Stack.

MAYOR STACK: Yes.

1 MR. AUTERI: Anyone wishing to comment
2 on this ordinance, please step forward and state
3 your name and address for the record.

4 MAYOR STACK: Once again, this is an
5 important issue in the community with mold
6 inspections to make sure we have proper procedures
7 set up. So if there's mold, obviously mold is
8 cancer causing. This is an ordinance setting
9 forth requirements for mold inspections or
10 remediation in occupied buildings and structures
11 in the City of Union City to protect our
12 residents. Anyone wishing to comment on this
13 ordinance at this time, please step forward, state
14 your name and address for the record. Seeing
15 none.

16 MR. AUTERI: Motion to adopt.

17 COMMISSIONER VALDIVIA: Motion.

18 MR. AUTERI: Motion by Commissioner
19 Valdivia.

20 COMMISSIONER GRULLON: Second.

21 MR. AUTERI: Second by Commissioner
22 Grullon. Commissioner Fernandez.

23 COMMISSIONER FERNANDEZ: Yes.

24 MR. AUTERI: Commissioner Grullon.

25 COMMISSIONER GRULLON: Yes.

1 MR. AUTERI: Commissioner Valdivia.

2 COMMISSIONER VALDIVIA: Yes.

3 MR. AUTERI: Commissioner Martinetti.

4 COMMISSIONER MARTINETTI: Yes.

5 MR. AUTERI: Mayor Stack.

6 MAYOR STACK: Yes.

7

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

9

10 MR. AUTERI: Mayor, at this time, there
11 are no further items on the agenda. Would you
12 like to take public comment on any matter
13 concerning the municipal government in the City of
14 Union City?

15 MAYOR STACK: Sure. Anyone wishing to
16 comment at this time on any matter concerning the
17 municipal government of the City of Union City,
18 please step forward. Once again, I thank the
19 Commissioners for moving 100 percent of our
20 meetings throughout the community. Tonight, we're
21 in Jose Marti and we're in a different location
22 every two weeks in the evening hours, in addition
23 to all the other public activities we do to give
24 the public input and transparency.

25 Anyone wishing to comment at this time,

1 please step forward.

2 COMMISSIONER VALDIVIA: I would like to
3 say something.

4 MAYOR STACK: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: My fellow
6 Commissioners, the girls bowling team won the
7 county championship. They'll be going to the
8 states against Kearny, the first time in the
9 history of the high school, where the girls win
10 the county championship. And in two weeks, we're
11 going to give a proclamation to them. I spoke to
12 the Mayor when we came in. And I'll give you the
13 roster.

14 MAYOR STACK: We'll do that the next
15 meeting. Thank you very much, Commissioner.

16 COMMISSIONER VALDIVIA: So
17 congratulations to the girls bowling team.

18 MAYOR STACK: Anyone else wishing to
19 comment at this time, please step forward, state
20 your name and address for the record. Seeing
21 none -- yes, I'm sorry. Come right ahead, please.

22 MR. FRICKE: David Fricke, 1608
23 Bergenline Avenue, Union City.

24 MR. AUTERI: Can you say that a little
25 louder?

1 MR. FRICKE: Sure. David Fricke,
2 F-R-I-C-K-E, 1608 Bergenline Avenue.

3 MAYOR STACK: 1608 Bergenline Avenue.

4 MR. AUTERI: Thank you.

5 MR. FRICKE: I have a question about the
6 status of the park theatre. I know that it really
7 hasn't been in use for a few years and I heard a
8 rumor that the City might be interested in buying
9 it. So can you update me on the situation?

10 MAYOR STACK: We were looking at it, Mr.
11 Fricke. We were looking at one point, but we just
12 couldn't come up with an agreeable price with the
13 archdiocese. I don't know if there's various
14 other groups. Our goal was to -- if we were to
15 buy the property, to buy the theatre, to buy the
16 school in the back. We would have a use for the
17 school also. There's extensive renovation that
18 would be needed in the theatre and the school
19 building. We couldn't come to an agreeable price.
20 So we basically have withdrawn our offer.

21 It was our goal to keep it for public
22 use and preserve it forever, to keep it as a
23 theatre and obviously use the rear building as a
24 school, possibly maybe to bring all our various
25 children that we send out of the community, bring

1 them all back to one facility. But we just
2 couldn't come up with an agreeable price with the
3 archdiocese.

4 MR. FRICKE: Thank you.

5 MAYOR STACK: Any time. Anyone else
6 wishing to comment at this time, please step
7 forward, state your name and address for the
8 record. Seeing none.

9 MR. AUTERI: Motion to close public
10 comment.

11 COMMISSIONER VALDIVIA: Motion.

12 MR. AUTERI: Motion by Commissioner
13 Valdivia.

14 COMMISSIONER GRULLON: Second.

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

17 COMMISSIONER FERNANDEZ: Yes.

18 MR. AUTERI: 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.

LIQUOR LICENSE PUBLIC HEARINGS:

- 1 **1. Pupusa No. 2, Inc.**
2
3 **T/a Pupusa Loca II**
4 **4709-11 Bergenline Avenue**
5 **0910-33-174-008**
6 **(Robert Williams, Esq.)**
- 7 **2. La Parrilla Bar & Grill, LLC**
8 **T/a Maria Mentiras Bar & Grill**
9 **328 32nd Street**
10 **0910-33-030-015**
11

12
13 MR. AUTERI: At this time, we have a
14 liquor license hearings. Mr. Farmer.
15

16 **PUPUSA NO. 2, INC.**
17 **T/A PUPUSA LOCA II**
18 **4709-11 Bergenline Avenue**
19 **0910-33-174-008**
20 **(Robert Williams, Esq.)**
21

22 MR. FARMER: The first matter -- truly
23 the only matter is Pupusa No. 2, and the licensee
24 is here along with other friends and family or
25 supporters who have -- they've been together for

1 years.

2 The situation is this. This is a
3 violation of the camera ordinance on an
4 inspection, I think it was November 14th, and a
5 second one fairly shortly thereafter. We now
6 understand they have the cameras in and the police
7 have inspected the place and that --

8 The two violations carry 30-day
9 suspension, so this was 20 -- and as an aside,
10 they're coming off a 20-day suspension. So a
11 20-day suspension, 10 days in abeyance for one
12 year. And Lieutenant Dunlay and myself and the
13 licensee and their attorney, Mr. Williams, have
14 discussed this matter. And I'm on board with this
15 as a fair solution. The licensee concurs with the
16 stipulation that they won't make application on
17 the issue. And the licensee is here, so if you
18 want to speak, you can come up.

19 MAYOR STACK: Hold on one second. What
20 was the nature of the violation?

21 MR. FARMER: The camera.

22 MAYOR STACK: If you could brief the
23 Commissioners.

24 MR. FARMER: Okay. The cameras. All
25 bars in the City, by City Ordinance are required

1 to have in place cameras that will show the
2 entrances and the exits, that's citywide. And
3 that camera has to hold for 60 days, it has to
4 have the capacity to record for 60 days, okay.

5 Police went in, what happened was an
6 episode the day before where the bar escorted
7 somebody leaving, they started an argument and the
8 police came. That led to let's see what happened
9 because the licensee was saying we were trying to
10 get the guy out. They didn't have the camera,
11 didn't have the capacity, okay. Then we came back
12 about eight days or nine days later on a
13 routine --

14 MAYOR STACK: So there was no camera?

15 LIEUTENANT DUNLAY: So initially, there
16 was an incident involving -- not related to the
17 actual bar establishment. We were conducting an
18 outside investigation regarding another matter.
19 We went to check the video cameras of the
20 establishment, it was noted that the establishment
21 did not have working cameras. That's what they're
22 currently serving the suspension for at this time.

23 At this time now, there was an incident
24 inside the tavern, where the patron claimed that
25 he was assaulted, he fractured his ankle, you

1 know, he wound up getting medical attention.
2 When we tried to review the video surveillance
3 cameras, the cameras were not at that time.

4 So that would make it the second
5 violation, which we've been very serious on the
6 camera ordinances. For any camera ordinance, for
7 the first violation, it would be a 10-day
8 suspension. For the second violation, within a
9 two year period, it would be a 20-day suspension.
10 For the third violation within a two year period,
11 you get a 30-day suspension.

12 So we've been -- the police department
13 has been very strict on this matter, I know the
14 Board has been very strict on it as well. So
15 we're looking for a 20-day suspension on the
16 camera ordinance. And additionally, for the act
17 of violence that occurred, it would be the 10 days
18 in abeyance, with a 30-day suspension. So one
19 calendar year to December 31st is the start,
20 correct?

21 MR. FARMER: One year from when they
22 passed the resolution in February.

23 MAYOR STACK: So would it be a
24 suspension held in abeyance?

25 LIEUTENANT DUNLAY: No, they would serve

1 20 days right now, which would be -- I believe the
2 dates are February?

3 MR. FARMER: 16th to March 7th.

4 LIEUTENANT DUNLAY: To March 7th and
5 then ten days would be held in abeyance for one
6 year. So if they commit another violation, you
7 know, regarding of whatever we're able to come to
8 an agreement with, they would serve 10 days right
9 off the bat, if there's any other violation.

10 MAYOR STACK: Sir, are you in agreement
11 with this? If you can state your appearance for
12 the record?

13 MR. BARERRA: Yes, good evening. I just
14 like to say something --

15 MR. AUTERI: Can you please state your
16 name and address for the record?

17 MR. BARERRA: My name is Elio Barerra,
18 E-L-I-O, Barerra.

19 MR. AUTERI: Elio Barerra, thank you.

20 LIEUTENANT DUNLAY: And your address?

21 MR. BARERRA: 4719 Bergenline Avenue,
22 Union City, New Jersey.

23 What I'd like to say is I appreciate
24 what you're doing, your job, Mayor, Commissioners,
25 you know. So, sometimes, you know, it's -- we try

1 to do the best we can. We don't try to be wise
2 people. We almost -- in November going to have
3 30 years in that area, 30 years, you know. And I
4 think for me, to be 30 years in that area mean a
5 lot to me because, you know, maybe something good
6 I do there to keep so many years in that place. I
7 know sometimes you make a mistake, sometime you
8 don't. It's a tough business. But we try to do
9 the best we can, but I appreciate what you do, the
10 police, Mayor, Commissioners. I appreciate
11 everything. I agree with this.

12 MAYOR STACK: Elio, do you have any idea
13 like on the cameras, what the lieutenant
14 mentioned, what Mr. Farmer mentioned, what the
15 situation was?

16 MR. BARERRA: The situation at that time
17 is we had a problem with, like -- with the
18 internet. And we know we tried to fix it and
19 then, you know, when they came, they didn't see
20 what's going on. But, you know, maybe, you know,
21 maybe they thought, you know, that we tried to be
22 wiseguy and we tried to hide something, but never.
23 Then, you know, with the pandemic, it took company
24 almost one month to fix it, you know. And that
25 happened before we fix it. And then we have this

1 kind of problem, you know.

2 I agree with the -- you know, they gave
3 me to close my business. I say again thank you.

4 LIEUTENANT DUNLAY: The police
5 department doesn't believe -- we believe he does
6 run a good business, that's why we agree with this
7 suspension. We have come to an honest agreement.
8 We thank him for the business that he does in the
9 City, but unfortunately, we have the camera
10 ordinance in place and it's extremely important to
11 the City make sure there's 100 percent compliance.

12 MAYOR STACK: Are the cameras working?

13 MR. BARERRA: Yes.

14 MAYOR STACK: How much after did he set
15 up to make sure the cameras were working, how much
16 after all this?

17 LIEUTENANT DUNLAY: I think they went
18 back -- so they were working, but they weren't on
19 the day that the incident -- this incident that
20 we're speaking of today, the cameras were working.
21 They just weren't on, recording. The ordinance
22 states it has to be on while the business is
23 operating.

24 MAYOR STACK: Did we confirm if there
25 was any issue with the internet or anything at the

1 business?

2 LIEUTENANT DUNLAY: We can't confirm.
3 The victim has absconded since.

4 MAYOR STACK: I'm sorry?

5 LIEUTENANT DUNLAY: The victim has
6 absconded, we have no idea where he is.

7 MAYOR STACK: I see, okay. Elio, did
8 you have want to have an attorney present before
9 or consult an attorney?

10 MR. BARERRA: No, I'm fine.

11 LIEUTENANT DUNLAY: We did confirm with
12 his attorney.

13 MR. FARMER: Yes, Mr. Williams.

14 MAYOR STACK: Who is it?

15 MR. FARMER: Mr. Williams, the primary
16 area of --

17 MAYOR STACK: I got it.

18 MR. FARMER: I spoke to him before, he
19 did speak with Mr. Williams and he concurs with
20 the proposal, bring it before the board. He said
21 he had and he understood.

22 MAYOR STACK: Sir, you agree?

23 MR. BARERRA: Yeah.

24 MAYOR STACK: Okay. I'll make a motion
25 to approve.

1 MR. AUTERI: Mayor Stack made the motion
2 to approve the recommendation and a second?

3 COMMISSIONER VALDIVIA: Second.

4 MR. AUTERI: Second by Commissioner
5 Valdivia. Commissioner Fernandez.

6 COMMISSIONER FERNANDEZ: Yes.

7 MR. AUTERI: Commissioner Grullon.

8 COMMISSIONER GRULLON: Yes.

9 MR. AUTERI: Commissioner Valdivia.

10 COMMISSIONER VALDIVIA: Yes.

11 MR. AUTERI: Commissioner Martinetti.

12 COMMISSIONER MARTINETTI: Yes.

13 MR. AUTERI: Mayor Stack.

14 MAYOR STACK: Yes. Have a good night.

15 MR. BARERRA: Thank you.

16

17 **LA PARRILLA BAR & GRILL, LLC**

18 **T/a MARIA MENTIRAS BAR & GRILL**

19 **328 32nd Street**

20 **0910-33-030-015**

21

22 MR. FARMER: The other one on your
23 agenda is La Parrilla, they're represented by an
24 attorney. We had some discussions concerning the
25 charge itself, I would ask that we just carry it

1 to the next meeting.

2 MAYOR STACK: What's the status of this
3 one? What's the charge here?

4 MR. FARMER: The charge.

5 LIEUTENANT DUNLAY: Operating after
6 hours.

7 MR. FARMER: This is the one, this is
8 the video. The police essentially wind up viewing
9 the video. The video showed that people left and
10 they came back and they were inside the
11 establishment at like four in the morning. They
12 maintain, I don't know, they went to New York to
13 see a play and they're just coming back, picking
14 up their personal stuff, and they thought they saw
15 people inside. So basically it was a house party
16 using a licensed premises. And they went in and
17 when they saw somebody coming out -- saw somebody
18 coming out. And they said we're going to go back
19 in and take a look at the place. The answer was
20 oh, the door can't open, only the owner has the
21 knowledge to be able to open it.

22 But the police, when they first -- after
23 they went in, the camera showed the licensee. So
24 the person who would ostensibly get you back in,
25 who they said was the owner, was there. So this

1 is also the area where police have received an
2 awful lot of noise complaints. There's an issue
3 with the noise complaints, you know, how many,
4 when were they. More importantly, how do you
5 prove them.

6 MAYOR STACK: It would be good if they
7 did some type of soundproofing. The lieutenant
8 and I spoke about that. It would good if they did
9 some type of soundproofing. Some of the people in
10 the building have complained to me. I'm not
11 looking try the case without them being here, but
12 it would be good if they came in. I know they
13 don't own the building, I only learned that
14 recently. But it would be a good idea if they did
15 some type of soundproofing.

16 LIEUTENANT DUNLAY: The issue with that
17 is -- and I've been in discussion with them -- is
18 that they want a guarantee that they're not going
19 to get charged with noise complaints if they go
20 and invest the --

21 MAYOR STACK: Oh, that's not going to
22 happen, yeah.

23 LIEUTENANT DUNLAY: Because it is a
24 significant investment that they would have to do.
25 And I can't give them that guarantee.

1 MR. FARMER: Let's bring them in in two
2 weeks and see what the story is.

3 MAYOR STACK: That's fine, that's fine.

4 MR. AUTERI: No motion to carry to the
5 next meeting.

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ADJOURNMENT :

MR. AUTERI: There are no further items on the agenda. May I have a motion to adjourn?

MAYOR STACK: Adjourn.

COMMISSIONER FERNANDEZ: Second.

MR. AUTERI: Motion by Mayor Stack.
Second by Commissioner Fernandez. All in favor.

(Whereupon, all Commissioners indicate in the affirmative.)

MR. AUTERI: Thank you. The time is now 7:27 p.m.

(Whereupon the meeting was adjourned.)

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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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Angelo Auteri, Esq.,

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Corporation Counsel

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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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