

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

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

ACADEMY FOR ADVANCEMENT &
ENRICHMENT
2210 Kerrigan Avenue
Union City, New Jersey

Tuesday, November 15, 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: PATRICK McNAMARA, ESQ.
Corporation Counsel

RAY GONZALEZ, ESQ.
Attorney for the Union City
Alcohol Beverage Control Commission

SUSAN BISCHOFF, CCR, RPR
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A P P E A R A N C E S:

ALAN MOLINA, ESQ.
Attorney for Ceviche Time, LLC

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1 MR. McNAMARA: Good evening, ladies and
2 gentlemen. This is the regular public meeting of
3 the Union City Board of Commissioners being held
4 on Tuesday, November 15, 2022, at 7:00 p.m. at the
5 Academy for Advancement and Enrichment, 2210
6 Kerrigan Avenue, Union City, New Jersey. If
7 everyone would please stand for the Pledge of
8 Allegiance.

9
10 (Whereupon, the Pledge of Allegiance was
11 recited.)

12
13 MR. McNAMARA: Please be advised that
14 this meeting has been called in compliance with
15 Chapter 231, Public Law of 1975, commonly known as
16 the Open Public Meeting Act.

17 Adequate notice of this meeting has been
18 provided as follows: Notice setting forth the
19 time, date, location and agenda, to the extent
20 known, was forwarded to The Jersey Journal, The
21 Record, and The Hudson Reporter, has been posted
22 on the bulletin board in City Hall, and has been
23 made available to the public in the office of the
24 Municipal Clerk.

25

ROLL CALL:

MR. McNAMARA: Roll call. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Here.

MR. McNAMARA: Commissioner Grullon.

COMMISSIONER GRULLON: Here.

MR. McNAMARA: Commissioner Valdivia.

COMMISSIONER VALDIVIA: Here.

MR. McNAMARA: Commissioner Martinetti.

COMMISSIONER MARTINETTI: Here.

MR. McNAMARA: Mayor Stack.

MAYOR STACK: Here.

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

CONSENT AGENDA:

(1) Resolution Approving the Payment of Claims

(2) Resolution Approving the Payment of
Concurring Claims

(3) Resolution Approving the Escrow Refunds

(4) Resolution Approving the City Payroll

10/8/2022-10/21/2022

(5) Resolution Approving the Library Payroll

1 10/8/2022-10/21/2022

2 (6) Resolution Authorizing the Use of
3 Competitive Contracting For Community Energy Plan
4 Consultant Services

5 (7) Resolution Authorizing the Emergency
6 Purchase of Services Related to the Replacement of
7 Failed Heating, Ventilating, and Air Conditioning
8 Units

9 (8) Resolution Authorizing the Receipt of Bids
10 For Elevator Inspection Services

11 (9) Resolution of the Board of Commissioners of
12 the City of Union City Approving the 2022-2023
13 Renewal of Liquor License No. 0910-33-041-005
14 Issued to R.G. Miranda Corp. (T/a El Cuco).)

15
16 MR. McNAMARA: Next item is the consent
17 agenda. We have nine items for consideration this
18 evening.

19 Number one, resolution approving payment
20 of claims.

21 Number two, resolution approving the
22 payment of concurring claims.

23 Number three, resolution approving the
24 escrow refunds.

25 Item four, resolution approving the City

1 payroll October 8th to October 21, 2022.

2 Number five, resolution approving the
3 library payroll October 8th to October 21.

4 Resolution authorizing use of
5 competitive contracting for community energy plan
6 consultation services.

7 Seven, resolution authorizing the
8 emergency purchase of services related to the
9 replacement of failed heating, ventilating and air
10 conditioning units.

11 Eight, resolution authorizing the
12 receipt of bids for elevator inspection services.

13 And nine, resolution of the Board of
14 Commissioners of the City of Union City approving
15 the 2022-2023 renewal of liquor license number
16 0910-33-041-005, issued to R.G. Miranda Corp.,
17 corporation t/a El Cuco. Formal action may be
18 taken.

19 There aren't any recusals or anything
20 that need to be noted for the record.

21 MAYOR STACK: Thank you. First, the
22 City Clerk isn't here tonight, Hilda Rosario,
23 because she's not feeling well, so I thank Mr.
24 McNamara for covering the meeting.

25 Any members of the public that would

1 like to comment at this time on any matter on the
2 consent agenda, please step forward, state your
3 name and address for the record.

4 Seeing none, I'll make a motion to close
5 the public hearing.

6 COMMISSIONER FERNANDEZ: Second.

7 MR. McNAMARA: Roll call. Commissioner
8 Fernandez.

9 COMMISSIONER FERNANDEZ: Yes.

10 MR. McNAMARA: Commissioner Grullon.

11 COMMISSIONER GRULLON: Yes.

12 MR. McNAMARA: Commissioner Valdivia.

13 COMMISSIONER VALDIVIA: Yes.

14 MR. McNAMARA: Commissioner Martinetti.

15 COMMISSIONER MARTINETTI: Yes.

16 MR. McNAMARA: Mayor Stack.

17 MAYOR STACK: Yes.

18 MR. McNAMARA: Mayor, will you entertain
19 a motion to approve all items?

20 MAYOR STACK: Yes, I do.

21 MR. McNAMARA: Is there a second?

22 COMMISSIONER FERNANDEZ: Second.

23 MR. McNAMARA: Roll call. Commissioner
24 Fernandez.

25 COMMISSIONER FERNANDEZ: Yes.

1 MR. McNAMARA: Commissioner Grullon.

2 COMMISSIONER GRULLON: Yes.

3 MR. McNAMARA: Commissioner Valdivia.

4 COMMISSIONER VALDIVIA: Yes.

5 MR. McNAMARA: Commissioner Martinetti.

6 COMMISSIONER MARTINETTI: Yes.

7 MR. McNAMARA: Mayor Stack.

8 MAYOR STACK: Yes.

9

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

12

13 **REGULAR AGENDA:**

14 **1. RESOLUTION FOR PAYMENT TO THE GRACE THEATRE**
15 **WORKSHOP, INC.)**

16

17 MR. McNAMARA: Regular agenda, we have
18 two items. First item is resolution of payment of
19 the Grace Theatre Workshop. Is there a motion?

20 COMMISSIONER MARTINETTI: Motion.

21 MAYOR STACK: Second.

22 MR. McNAMARA: Thank you. Roll call.

23 Commissioner Fernandez abstains.

24 Commissioner Grullon.

25 COMMISSIONER GRULLON: Yes.

1 MR. McNAMARA: Commissioner Valdivia.

2 COMMISSIONER VALDIVIA: Yes.

3 MR. McNAMARA: Commissioner Martinetti.

4 COMMISSIONER MARTINETTI: Yes.

5 MR. McNAMARA: Mayor Stack.

6 MAYOR STACK: Yes.

7

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

10

11 **REGULAR AGENDA:**

12 **2. Resolution for the payment to the Union City**
13 **Board of Education.)**

14

15 MR. McNAMARA: Resolution for payment to
16 the Union City Board of Education. This is a
17 motion to approve item 2 on the regular agenda.

18 MAYOR STACK: Motion.

19 COMMISSIONER GRULLON: Second.

20 MR. McNAMARA: My understanding is
21 we're, for the record, noting that the doctrine of
22 necessity applies to allow Commissioners Valdivia
23 and Grullon to vote on this item. Roll call.

24 Commissioner Grullon.

25 COMMISSIONER GRULLON: Yes.

1 MR. McNAMARA: Commissioner Valdivia.

2 COMMISSIONER VALDIVIA: Yes.

3 MR. McNAMARA: Mayor Stack.

4 MAYOR STACK: Yes.

5

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

8

9 **ORDINANCE(S) FOR HEARING AND ADOPTION:**

10 **1. ORDINANCE AMENDING CHAPTER 4**

11 **"ADMINISTRATION OF GOVERNMENT" ARTICLE XIII OF THE**
12 **CODE OF THE CITY OF UNION CITY ENTITLED "POLICE**
13 **DEPARTMENT" TO AMEND THE RATE OF FEES FOR OFF-DUTY**
14 **DETAILS.)**

15

16 MR. McNAMARA: Ordinance for hearing and
17 adoption amending Chapter 4, administration of
18 government, article 13 of the code of the City of
19 Union City entitled "police department" to amend
20 the rate of fees for off-duty details.

21 At this point, is there any member of
22 the public who wishes to come forward and address
23 the governing body with regard to the contents of
24 the ordinance?

25 MAYOR STACK: Any members of the public

1 wishing to comment on this ordinance at this time,
2 please step forward, state your name and address
3 for the record.

4 Seeing none, I'll make a motion to close
5 the public hearing.

6 COMMISSIONER FERNANDEZ: Second.

7 MR. McNAMARA: Roll call. Commissioner
8 Fernandez.

9 COMMISSIONER FERNANDEZ: Yes.

10 MR. McNAMARA: Commissioner Gullon.

11 COMMISSIONER GRULLON: Yes.

12 MR. McNAMARA: Commissioner Valdivia.

13 COMMISSIONER VALDIVIA: Yes.

14 MR. McNAMARA: Commissioner Martinetti.

15 COMMISSIONER MARTINETTI: Yes.

16 MR. McNAMARA: Mayor Stack.

17 MAYOR STACK: Yes.

18 MR. McNAMARA: On the ordinance.

19 COMMISSIONER VALDIVIA: Motion.

20 MAYOR STACK: Second.

21 MR. McNAMARA: Commissioner Fernandez.

22 COMMISSIONER FERNANDEZ: Yes.

23 MR. McNAMARA: Commissioner Gullon.

24 COMMISSIONER GRULLON: Yes.

25 MR. McNAMARA: Commissioner Valdivia.

1 COMMISSIONER VALDIVIA: Yes.

2 MR. McNAMARA: Commissioner Martinetti.

3 COMMISSIONER MARTINETTI: Yes.

4 MR. McNAMARA: Mayor Stack.

5 MAYOR STACK: Yes.

6

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

8

9 MR. McNAMARA: At this point,
10 opportunity for citizens to address the Board.

11 MAYOR STACK: Sure. Any member of the
12 public that would like to comment at this time,
13 please step forward, state your name and address
14 for the record?

15 Seeing none.

16 COMMISSIONER FERNANDEZ: Motion to
17 close.

18 MAYOR STACK: Second.

19 MR. McNAMARA: Commissioner Fernandez.

20 COMMISSIONER FERNANDEZ: Yes.

21 MR. McNAMARA: Commissioner Gullon.

22 COMMISSIONER GRULLON: Yes.

23 MR. McNAMARA: Commissioner Valdivia.

24 COMMISSIONER VALDIVIA: Yes.

25 MR. McNAMARA: Commissioner Martinetti.

1 COMMISSIONER MARTINETTI: Yes.

2 MR. McNAMARA: Mayor Stack.

3 MAYOR STACK: Yes.

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LIQUOR LICENSE HEARINGS:

Transfer application

Licensee: Ceviche Time, LLC

T/a Ceviche Time by Marcelo

Address: 4538 Bergenline Avenue

License No: 0910-33-047-004

Application: Person-to-person

Address: 4538 Bergenline Avenue

(Alan Molina, Esq.)

MR. McNAMARA: Now, we have liquor license hearings. Ray Gonzalez is counsel for the City. The licensee is Ceviche Time, LLC, 4538 Bergenline Avenue, person-to-person transfer. Mr. Gonzalez.

MR. GONZALEZ: Thank you. Good evening, Mayor, Commissioners.

Today, we just have one matter that's listed. It's an application that's been pending for some time. Through the help of Sergeant Zeron, we have bringing everything up-to-date. This applicant has actually had this pending for quite some time, I think it's during the COVID period. But Mr. Molina has been representing him during that time.

1 What the ABC has done, through the
2 assistance of Sergeant Zeron, has reviewed all the
3 applications, has brought everything up-to-date.
4 We then passed it onto Lieutenant Dunlay, who has
5 made his investigations. Based on my
6 conversations with him, the Police Department does
7 not see an objection for the transfer of
8 person-to-person, this is for 4538 Bergenline
9 Avenue.

10 Like we do in all applications, I ask if
11 the applicant has received the ordinances that
12 they have to abide by, specifically, the cameras,
13 the bottle, the times when they have to be closed,
14 and make them aware of the conditions that they
15 would be exposed if there's a violation.

16 In doing so, we've had the opportunity
17 to speak to Mr. Molina and his applicant. And we
18 believe that he is properly before the Board and
19 the Board can make a determination to transfer
20 person-to-person at this location.

21 MR. MOLINA: Good evening, Alan Molina
22 on behalf of the applicant. As Mr. Gonzalez has
23 indicated, I have provided the applicant with both
24 Spanish and English versions of the various
25 ordinances and the state ABC handbook, which he

1 refers to as the Bible because that's the way I
2 refer to it with my clients. They have, as I
3 said, copies of both in digital format in English
4 and Spanish. And I've gone through it with them
5 and they understand what is required of them in
6 order to maintain the license. And I'm confident
7 that they will be --

8 MAYOR STACK: Is there prior experience,
9 Mr. Molina?

10 MR. MOLINA: The manager who is going to
11 be transitioning for him has worked there in the
12 past, so he has experience.

13 MAYOR STACK: Has your client ever owned
14 a license before?

15 MR. MOLINA: No, he has not.

16 MAYOR STACK: Just make sure, like you
17 just mentioned, he's well aware, he reads the
18 manual, goes through it. Make sure everybody is
19 proofed for their identification, make sure we run
20 a quiet establishment.

21 MR. MOLINA: Absolutely.

22 MAYOR STACK: Okay. Any other
23 Commissioners have any comments at this time?

24 I'll make a motion to approve. Good
25 luck.

1 COMMISSIONER FERNANDEZ: Second.

2 MR. McNAMARA: Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: Yes.

4 MR. McNAMARA: Commissioner Grullon.

5 COMMISSIONER GRULLON: Yes.

6 MR. McNAMARA: Commissioner Valdivia.

7 COMMISSIONER VALDIVIA: Yes.

8 MR. McNAMARA: Commissioner Martinetti.

9 COMMISSIONER MARTINETTI: Yes.

10 MR. McNAMARA: Mayor Stack.

11 MAYOR STACK: Yes.

12 MR. GONZALEZ: That closes the ABC
13 portion.

14 MAYOR STACK: Thank you very much, Mr.
15 Gonzalez.

16

17 **ADJOURNMENT:**

18

19 MR. McNAMARA: If there's no other
20 business, Mayor, it would be appropriate to enter
21 a motion to adjourn.

22 MAYOR STACK: Thank you to all the
23 Commissioners.

24 COMMISSIONER FERNANDEZ: Motion.

25 MAYOR STACK: Second.

1 MR. McNAMARA: All in favor?

2
3 (All Commissioners indicate in the
4 affirmative.)

5
6 (Whereupon the meeting was adjourned at
7 7:10 p.m.)

1

Brian P. Stack

2

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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Patrick McNamara, 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
LICENSE NO. 30XI00233700