

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

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

WASHINGTON SCHOOL
3905 New York Avenue
Union City, New Jersey

Tuesday, May 2, 2023
Commencing at 7:08 p.m.

M E M B E R S P R E S E N T:

LUCIO P. FERNANDEZ, COMMISSIONER
MARYURY A. MARTINETTI, COMMISSIONER
CELIN J. VALDIVIA, COMMISSIONER
BRIAN P. STACK, MAYOR

M E M B E R S A B S E N T:

WENDY A. GRULLON, COMMISSIONER

A L S O P R E S E N T:

SCARINCI HOLLENBECK
BY: ANGELO AUTERI, ESQ.
Corporation Counsel

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

HILDA ROSARIO, City Clerk

SUSAN BISCHOFF, CCR, RPR
449 Columbia Blvd., Wood-Ridge, NJ 07075
201-933-8220 SBischoffccr@yahoo.com

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

2 ANTHONY GOLOWSKI, ESQ.
3 Attorney for Eduardo Cruz
4 T/a Caguas Bar Cafe

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1 MR. AUTERI: This is a regular public
2 meeting the Union City Board of Commissioners
3 being held on Tuesday, May 2, 2023, at 7:00 p.m.
4 at Washington School 3905 New York Avenue, Union
5 City, New Jersey. Please stand for the Pledge of
6 Allegiance.

7 (Whereupon, the Pledge of Allegiance was
8 recited.)

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

16
17 **ROLL CALL:**

18
19 MR. AUTERI: Roll call. Commissioner
20 Fernandez.

21 COMMISSIONER FERNANDEZ: Here.

22 MR. AUTERI: Commissioner Grullon is
23 absent.

24 Commissioner Valdivia.

25 COMMISSIONER VALDIVIA: Here.

1 MR. AUTERI: Commissioner Martinetti.

2 COMMISSIONER MARTINETTI: Here.

3 MR. AUTERI: Mayor Stack.

4 MAYOR STACK: Here.

5

6 **SPECIAL PRESENTATION:**

7

8 MR. AUTERI: The first item on the
9 agenda is presentation of girls bowling county
10 champions and boys bowling county champions.

11 (Presentation to the girls bowling
12 county champions.)

13 (Presentation to the boys bowling county
14 champions.)

15

16 **APPROVAL OF MINUTES:**

17

18 MR. AUTERI: Next item on the agenda is
19 the approval of meeting minutes. May I have a
20 motion to approve the meeting minutes for the
21 April 18, 2023, Board of Commissioners meeting.

22 COMMISSIONER MARTINETTI: Motion.

23 MR. AUTERI: Motion by Commissioner
24 Martinetti, second by Mayor Stack.

25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Yes.

2 MR. AUTERI: Commissioner Valdivia.

3 COMMISSIONER VALDIVIA: Yes.

4 MR. AUTERI: Commissioner Martinetti.

5 COMMISSIONER MARTINETTI: Yes.

6 MR. AUTERI: Mayor Stack.

7 MAYOR STACK: Yes.

8

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

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

12 **1. An ordinance of the City of Union**
13 **City, County of Hudson, New Jersey, appropriating**
14 **the sum of \$950,000 in funding from the capital**
15 **improvement fund for the completion of various**
16 **streetscape improvements.)**

17

18 MR. AUTERI: Next are ordinances for
19 introduction. There is one ordinance for
20 introduction tonight. Adoption on first reading
21 authorizes the municipal clerk to advertise the
22 ordinance with a notice of the introduction,
23 together with a notice of the time and place when
24 the ordinance will be considered for the final
25 passage. The ordinance will be further considered

1 at a meeting the Board of Commissioners to be held
2 on Tuesday, May 16th, at the Union Hill Middle
3 School, 3808 Hudson Avenue, Union City, New
4 Jersey, at 7:00 p.m.

5 An ordinance of the City of Union City,
6 County of Hudson, New Jersey, appropriating the
7 sum of \$950,000 in funding from the capital
8 improvement funds for the completion of various
9 streetscape improvements.

10 May I have a motion to introduce?

11 MAYOR STACK: Motion.

12 MR. AUTERI: Motion by Mayor Stack.

13 COMMISSIONER VALDIVIA: Second.

14 MR. AUTERI: Second by Commissioner
15 Valdivia.

16 Commissioner Fernandez.

17 COMMISSIONER FERNANDEZ: Yes.

18 MR. AUTERI: Commissioner Valdivia.

19 COMMISSIONER VALDIVIA: Yes.

20 MR. AUTERI: Commissioner Martinetti.

21 COMMISSIONER MARTINETTI: Yes.

22 MR. AUTERI: Mayor Stack.

23 MAYOR STACK: Yes.

24
25 (Whereupon the Board discussed and took

1 action on the following items in total:

2 **CONSENT AGENDA**

3 (1) Resolution Approving the Payment of Claims.

4 (2) Resolution Approving the Payment of
5 Concurrent Claims.

6 (3) Resolution Approval the Escrow Refunds.

7 (4) Resolution Approving the City Payroll From
8 April 7, 2023 Through April 21, 2023.

9 (5) Resolution Approving the Library Payroll
10 April 7, 2023, Through April 21, 2023.

11 (6) Resolution Authorizing the Refund of Monies
12 Collected At the Tax Sale.

13 (7) Resolution Authorizing the Refund of
14 Redemption Monies to Outside Lienholders.

15 (8) Resolution Authorizing the Refund of
16 Duplicate Payment.

17 (9) Resolution Cancelling Second Quarter Taxes.

18 (10) Resolution Approving the Fiscal Year 2023
19 Budget For the Community Block Grant Program.

20 (11) Resolution Rejecting All Bids For 2023
21 Sidewalk Repair Program and Authorizing
22 Re-Advertisement For the Receipt of Bids.

23 (12) Resolution Authorizing Increase to Contract
24 to Personnel Consultant Services With Jason
25 Michael Consultants For 2022-2023.

1 (13) Resolution to Re-Appoint Class II Member of
2 the Union City Planning Board (**PULLED**) .

3 (14) Resolution to Appoint Members to the Zoning
4 Board of Adjustment For the City of Union City.

5 (15) Resolution Reappointing Eva Festa to the
6 Union City Redevelopment Agency.

7 (16) Resolution Authorizing Contract For Risk
8 Management Consultant Services For the City of
9 Union City.

10 (17) Resolution Authorizing Emergency Contract
11 For the 2023 Spotted Lantern Fly Treatment
12 Services Throughout the City of Union City.

13 (18) Resolution Authorizing Payment to Cliffside
14 Paving and Excavation For Emergency Roadway Repair
15 Work At Various Locations Within the City.

16 (19) Amended Resolution of the Board of
17 Commissioners of the City of Union City Approving
18 the 2022-2023 Renewal of Liquor License Number
19 0910-33-149-006 Issued to A&C 2004 Corp. (Pocket
20 License) .

21 (20) Amended Resolution of the Board of
22 Commissioners of the City of Union City Approving
23 a Renewal of Liquor License 0910-33-119-006 Issued
24 to Hamlet Ent 2, LLC, (T/a Mamsushi) .

25 (21) Resolution Authorizing the Placement of a

1 Lien on the Property Known As 400 46th Street,
2 Union City, New Jersey, 07087, Block 269.01, Lot
3 13 in the City of Union City For Emergency Repair
4 Costs.

5 (22) Resolution Authorizing the Placement of a
6 Lien on the Property Known As 2200 Bergenline
7 Avenue, Union City, New Jersey, 07087, Block 124,
8 Lot 1 in the City of Union City For Emergency
9 Repair Costs.

10 (23) Resolution Authorizing Placement of a Lien
11 on the Property Known As 1910-12 Bergenline
12 Avenue, Union City, New Jersey 07087, Block 102,
13 Lot 6 in the City of Union City For Emergency
14 Repair Costs.

15 (24) Resolution Authorizing Placement of the Lien
16 on the Property Known As 402 Mountain Road, Union
17 City, New Jersey 07087, Block 182, Lot 6 in the
18 City of Union City For Emergency Repair Costs.

19 (25) Resolution Authorizing Tammy Zucca to
20 Execute Grant Agreement For NJ Electric Vehicle
21 Charging Stations.

22
23 MR. AUTERI: Next is the Consent Agenda
24 We Have 25 Items on the Consent Agenda.

25 Number One, Resolution Approving the

1 Payment of Claims.

2 Two, Resolution Approving the Payment of
3 Concurrent Claims.

4 Three, Resolution Approval the Escrow
5 Refunds.

6 Four, Resolution Approving the City
7 Payroll From April 7, 2023 Through April 21, 2023.

8 Five, Resolution Approving the Library
9 Payroll April 7, 2023, Through April 21, 2023.

10 Six, Resolution Authorizing the Refund
11 of Monies Collected At the Tax Sale.

12 Seven, Resolution Authorizing the Refund
13 of Redemption Monies to Outside Lienholders.

14 Eight, Resolution Authorizing the Refund
15 of Duplicate Payment.

16 Nine, Resolution Cancelling Second
17 Quarter Taxes.

18 Ten, Resolution Approving the Fiscal
19 Year 2023 Budget For the Community Block Grant
20 Program.

21 Eleven, Resolution Rejecting All Bids
22 For 2023 Sidewalk Repair Program and Authorizing
23 Re-Advertisement For the Receipt of Bids.

24 Twelve, Resolution Authorizing Increase
25 to Contract to Personnel Consultant Services With

1 Jason Michael Consultants For 2022-2023.

2 Thirteen, Resolution to Re-Appoint Class
3 II Member of the Union City Planning Board
4 (**PULLED**) .

5 Fourteen, Resolution to Appoint Members
6 to the Zoning Board of Adjustment For the City of
7 Union City.

8 Fifteen, Resolution Reappointing Eva
9 Festa to the Union City Redevelopment Agency.

10 Sixteen, Resolution Authorizing Contract
11 For Risk Management Consultant Services For the
12 City of Union City.

13 Seventeen, Resolution Authorizing
14 Emergency Contract For the 2023 Spotted Lantern
15 Fly Treatment Services Throughout the City of
16 Union City.

17 Eighteen, Resolution Authorizing Payment
18 to Cliffside Paving and Excavation For Emergency
19 Roadway Repair Work At Various Locations Within
20 the City.

21 Nineteen, Amended Resolution of the
22 Board of Commissioners of the City of Union City
23 Approving the 2022-2023 Renewal of Liquor License
24 Number 0910-33-149-006 Issued to A&C 2004 Corp.
25 (Pocket License) .

1 Number Twenty, Amended Resolution of the
2 Board of Commissioners of the City of Union City
3 Approving a Renewal of Liquor License
4 0910-33-119-006 Issued to Hamlet Ent 2, LLC, (T/a
5 Mamsushi).

6 Number 21, Resolution Authorizing the
7 Placement of a Lien on the Property Known As 400
8 46th Street, Union City, New Jersey, 07087, Block
9 269.01, Lot 13 in the City of Union City For
10 Emergency Repair Costs.

11 Twenty-Two, Resolution Authorizing the
12 Placement of a Lien on the Property Known As 2200
13 Bergenline Avenue, Union City, New Jersey, 07087,
14 Block 124, Lot 1 in the City of Union City For
15 Emergency Repair Costs.

16 Number Twenty-Three, Resolution
17 Authorizing Placement of a Lien on the Property
18 Known As 1910-12 Bergenline Avenue, Union City,
19 New Jersey 07087, Block 102, Lot 6 in the City of
20 Union City For Emergency Repair Costs.

21 Number Twenty-Four, Resolution
22 Authorizing Placement of the Lien on the Property
23 Known As 402 Mountain Road, Union City, New Jersey
24 07087, Block 182, Lot 6 in the City of Union City
25 For Emergency Repair Costs.

1 And Twenty-Five, Resolution Authorizing
2 Tammy Zucca to Execute Grant Agreement For NJ
3 Electric Vehicle Charging Stations.

4 Mayor Stack will be recusing from
5 payments to Chasan, Lamparello, Mallon and
6 Cappuzzo.

7 Commissioner Fernandez will be recusing
8 on Item 10 and 15 and I will be removing Item 13
9 from the consent agenda.

10 MAYOR STACK: Thank you, Angelo. Just
11 congratulations against to all of our students,
12 both our girls and boys for receiving and being
13 involved in the championship. Congratulations.
14 Thank you for making us proud.

15 Anyone wishing to comment on the consent
16 agenda, please step forward, state your name and
17 address for the record. That's the items that the
18 City's corporation Counsel Angelo Auteri just read
19 into the record. Seeing none, I'll make a motion
20 to close the public hearing.

21 COMMISSIONER MARTINETTI: Second.

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

24 Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: 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 MR. AUTERI: May I have a motion to
8 adopt the items?

9 MAYOR STACK: Motion.

10 MR. AUTERI: Motion by Mayor Stack.

11 COMMISSIONER FERNANDEZ: Second.

12 MR. AUTERI: Second by Commissioner
13 Fernandez.

14 Commissioner Fernandez.

15 COMMISSIONER FERNANDEZ: Yes, with the
16 exception stated, numbers 10 and 15. Otherwise,
17 yes.

18 MR. AUTERI: Commissioner Valdivia.

19 COMMISSIONER VALDIVIA: Yes.

20 MR. AUTERI: Commissioner Martinetti.

21 COMMISSIONER MARTINETTI: Yes.

22 MR. AUTERI: Mayor Stack.

23 MAYOR STACK: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following item:

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

3 **CONSIDERATION:**

4 **1. An ordinance amending the City of**
5 **Union City Code 4-75 entitled "Drug Testing**
6 **Policy")**

7
8 MR. AUTERI: Next on the agenda are
9 ordinances for hearing and adoption consideration.
10 We have one ordinance on for tonight. An
11 ordinance amending the City of Union City Code
12 4-75 entitled "Drug Testing Policy". May I have a
13 motion to --

14 MAYOR STACK: Just, if you can just a
15 brief explanation on the ordinance itself?

16 MR. AUTERI: Sure, Mayor. Currently,
17 the drug testing policy for the police department
18 is in the code, which makes it difficult to amend
19 and also is superfluous because it's also part of
20 the rules and regs for the police department. So
21 what this will do is amend the ordinance to remove
22 the drug testing policy from the code section.

23 MAYOR STACK: Okay. Anyone wishing to
24 comment on this ordinance on the drug testing
25 policy at this time, please step forward, state

1 your name and address for the record? Seeing
2 none, motion to close.

3 MR. AUTERI: Motion made by Mayor Stack.

4 COMMISSIONER MARTINETTI: Second.

5 MR. AUTERI: Second by Commissioner
6 Martinetti.

7 Commissioner Fernandez.

8 COMMISSIONER FERNANDEZ: 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.

15 MR. AUTERI: May I have a motion to
16 adopt the ordinance.

17 COMMISSIONER VALDIVIA: Motion.

18 MR. AUTERI: Motion by Commissioner
19 Valdivia.

20 COMMISSIONER MARTINETTI: Second.

21 MR. AUTERI: Second by Commissioner
22 Martinetti.

23 Commissioner Fernandez.

24 COMMISSIONER FERNANDEZ: Yes.

25 MR. AUTERI: Commissioner Valdivia.

1 COMMISSIONER VALDIVIA: Yes.

2 MR. AUTERI: Commissioner Martinetti.

3 COMMISSIONER MARTINETTI: Yes.

4 MR. AUTERI: Mayor Stack.

5 MAYOR STACK: Yes.

6

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

8

9 MR. AUTERI: Mayor, at this time there
10 are no other items on the agenda. May I have a
11 motion to take public comment on any matter
12 concerning municipal business in the City of Union
13 City?

14 MAYOR STACK: Sure. Thank you. I'd
15 just like to thank the Commissioners for moving
16 100 percent of our meetings around the community
17 in the evening hours. We're in a different
18 location every time the Board of Commissioners
19 meet, in addition to the mobile mayor's day,
20 public safety meetings. I'd also like to
21 recognize we have our police chief at the meeting,
22 Chief Facchini, thank you for being here. And
23 thank the principal of the school, Angel, thank
24 you very much for always being here when we hold
25 the meeting.

1 At this point, anyone who wishes to make
2 any comment concerning municipal government in the
3 City of Union City, please step forward, state
4 your name and address for the record?

5 COMMISSIONER FERNANDEZ: Seeing none,
6 I'll make a motion to close the public.

7 COMMISSIONER MARTINETTI: Second.

8 MR. AUTERI: Motion by Commissioner
9 Fernandez, second by Commissioner Martinetti.

10 Commissioner Fernandez.

11 COMMISSIONER FERNANDEZ: 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.

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LIQUOR LICENSE HEARINGS:

1. Eduardo Cruz
T/a Caguas Bar Cafe
1709 Bergenline Avenue
0910-33-106-006
(Anthony J. Golowski, II, Esq.)

MR. AUTERI: At this time, we have
liquor license hearings.

MAYOR STACK: Thank you once again to
everyone who came to the meeting this evening.
Thank you for coming out to watch municipal
government in action.

MR. GONZALEZ: Thank you. Good evening,
Mayor, Commissioners. Today, we have one matter
and it's Eduardo Cruz trading as Caguas Cafe, 1709
Bergenline Avenue.

The violation that they had primarily
was the cameras were not operating on a full
basis. On prior occasions, we had an opportunity
to remedy the problem. They have remedied the
problems. They are represented by an attorney,
this is the gentleman here, we have an
interpreter. And we have reached a resolution of

1 this matter, if the Board accepts. We have made
2 the recommendation of a five day suspension,
3 straight --

4

5 J O S E G O N Z A L E Z, an interpreter of the
6 Spanish language, after having been duly sworn,
7 did interpret the following testimony:

8

9 MR. GONZALEZ: Thank you. It's my
10 understanding that he would be willing to accept
11 that if the Board was to approve that. And they
12 have actually given the dates from May 22nd
13 through May 26th that it would be closed. He's
14 present here, I know that he's familiar to the
15 Board, he's been here on several other occasions.
16 There's a lot of work, his attorney's worked very
17 hard explaining the situation to me.

18 He's further explained to me that
19 apparently there was some people that charged him
20 to do the work, didn't do it properly. It's now
21 corrected and Lieutenant Dunlay has made the
22 inspection. We know the machines are working, we
23 can not verify 60 days because 60 days hasn't gone
24 by. But we believe now, based on the
25 conversations, the work is done. Sergeant Zeron

1 is here, she's done a background search. He does
2 not have any other violations and we believe there
3 may be an application in the future where he will
4 be selling.

5 So I think if that's a situation to be
6 clean, it would go along this route and the
7 recommendation would be five days.

8 MAYOR STACK: I just want to bring
9 something to the attention of Eduardo and his
10 attorney. I'm starting to get complaints in the
11 area about people hanging, about lack of proper
12 management of the facility. And I had -- this was
13 my biggest fear. I had a gut feeling this was
14 going to happen because -- and I understand
15 Eduardo is not there himself, he's not on the
16 scene all the time himself, and I understand that.
17 But when you take a liquor license it's a
18 privilege, and you have to properly manage the
19 establishment. And I'm starting to get
20 complaints, I'm hearing from residents in the area
21 and I don't like to hear those complaints. And we
22 gave him an opportunity --

23 MR. AUTERI: Counsel, can we have your
24 appearance for the record?

25 MR. GOLOWSKI: Sure, Anthony Golowski.

1 Thank you.

2 This is the first I've heard of any
3 complaints. I've been in contact with the police
4 trying to rectify the situation and the charges
5 getting Mr. Cruz in compliance. I had a few
6 conversations, I hadn't heard any problems with
7 the establishment.

8 I know one night they came and made the
9 appointment on the night he had asked, they came
10 late, he was closed because he didn't have any
11 business.

12 MAYOR STACK: I'm talking about resident
13 complaints in the area, hanging out, lack of good
14 management there. Absenteeism of the owner on the
15 site. He promised me. He promised me when he got
16 the license, go back to the record, that he's
17 going to be there. I'm very leery about any
18 liquor license, when we approve them. This was
19 tough because he was moving into a brand new area.

20 I just want to make sure that he
21 understands, that he understands that he's got to
22 be hands-on there or have somebody on the property
23 who is really hands-on running that establishment.

24 MR. GOLOWSKI: Thank you.

25 MAYOR STACK: Motion to approve.

1 MR. AUTERI: Motion made by Mayor

2 Stack --

3 COMMISSIONER MARTINETTI: Second.

4 MR. AUTERI: -- to accept the penalty.

5 Second by Commissioner Martinetti.

6 Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: 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.

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ADJOURNMENT :

MR. AUTERI: May I have a motion to adjourn?

COMMISSIONER MARTINETTI: Motion.

MAYOR STACK: Second.

MR. AUTERI: Motion by Commissioner Martinetti, second by Mayor Stack. All in favor?

(Whereupon all Commissioners indicate in the affirmative.)

MR. AUTERI: The ayes have it.

(Whereupon the meeting was adjourned at 7:33 p.m.)

1

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
LICENSE NO. 30XI00233700