

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

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

HOUSING AUTHORITY HILLSIDE PAVILION
3911 Kennedy Boulevard
Union City, New Jersey

Tuesday, June 7, 2023
Commencing at 7:09 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

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

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

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

ANNA NORIS, ESQ.
Attorney for Jor Per Corp.

ANNA NORIS, ESQ.
Attorney for R.G. Entertainment

ANNA NORIS, ESQ.
Attorney for Azucar Club, Inc.

ANNA NORIS, ESQ.
Attorney for Los Precios Corp.

CHRISTIAN DIAZ, ESQ.
Attorney for El Chapin Corp.

I N D E X

	<u>PAGE</u>
CALL TO ORDER	4
SALUTE TO FLAG	4
ROLL CALL	4
SPECIAL PRESENTATION	5
MINUTES	5
ORDINANCE (S) FOR INTRODUCTION	6
CONSENT AGENDA	8
REGULAR AGENDA	17/20
ORDINANCE (S) FOR HEARING AND ADOPTION	21/25/28
CITIZENS ADDRESS THE BOARD	31
LIQUOR LICENSE PUBLIC HEARINGS	33
El Chapin Corp.	34
Los Precios Corp.	40
Jor Per Corp.	43
R.G. Entertainment	45/49
Azucar Club, Inc.	46
ADJOURNMENT	52

1 MR. AUTERI: This regular public meeting
2 of the Union City Board of Commissioners being
3 held Wednesday, June 7, 2023, at 7:00 p.m. at the
4 Housing Authority Hillside Pavilion, 3911 Kennedy
5 Boulevard, Union City, New Jersey. Please stand
6 for the Pledge of 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 the meeting has been
12 provided to The Jersey Journal, The Record, and
13 posted on the bulletin board in City Hall and made
14 available to the public in the office of the
15 Municipal Clerk.

16
17 **ROLL CALL:**

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

21 COMMISSIONER FERNANDEZ: Here.

22 MR. AUTERI: Commissioner Grullon.

23 COMMISSIONER GRULLON: Here.

24 MR. AUTERI: 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 PRESENTATIONS:**

7

8 MR. AUTERI: First item on the agenda
9 are special presentations to the Union City High
10 School Soaring Eagles girls cross country and the
11 Soaring Eagles track and field team.

12 Commissioner Fernandez, the floor is
13 yours.

14 (Special presentations to Union City
15 High School Soaring Eagles girl cross country and
16 Union City High School Soaring Eagles track and
17 field.)

18

19 **APPROVAL OF MINUTES:**

20

21 MR. AUTERI: We're back on the record,
22 the time is 7:16 p.m.

23 Next item on the agenda is the approval
24 of minutes from the meeting on May 16, 2023. May
25 I have a motion to approve?

1 COMMISSIONER VALDIVIA: Motion.

2 MR. AUTERI: Motion by Commissioner
3 Valdivia.

4 COMMISSIONER GRULLON: Second.

5 MR. AUTERI: Second by Commissioner
6 Grullon.

7 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 is
14 recusing.

15 Mayor Stack.

16 MAYOR STACK: Yes.

17

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

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

21 1. AN ORDINANCE AUTHORIZING A SPECIAL
22 EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A.
23 40A:4-53(b) FOR THE PAYMENT OF CONTRACTUALLY
24 REQUIRED SEVERANCE LIABILITIES IN AND FOR THE CITY
25 OF UNION CITY, COUNTY OF HUDSON, NEW JERSEY)

1
2 MR. AUTERI: Next are ordinances for
3 introduction. Adoption on first reading
4 authorizes the municipal clerk to advertise the
5 ordinance with a notice of introduction, together
6 with a notice of the time and place when the
7 ordinance will be considered for final passage.

8 This ordinance will be further
9 considered at a meeting of the Board of
10 Commissioners to be held on Tuesday, June 20,
11 2023, at the Bella Vista Apartments, 522 22nd
12 Street, Union City, New Jersey, at 7:00 p.m.

13 It's an ordinance authorizing a special
14 emergency appropriation pursuant to N.J.S.A.
15 40A:4-53(b) for the payment of contractually
16 required severance liabilities in and for the City
17 of Union City, County of Hudson, New Jersey.

18 May I have a motion to introduce?

19 COMMISSIONER MARTINETTI: Motion.

20 MR. AUTERI: Motion by Commissioner
21 Martinetti.

22 COMMISSIONER VALDIVIA: Second.

23 MR. AUTERI: Second by Commissioner
24 Valdivia.

25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Yes.

2 MR. AUTERI: Commissioner Grullon.

3 COMMISSIONER GRULLON: Yes.

4 MR. AUTERI: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: Yes.

6 MR. AUTERI: Commissioner Martinetti.

7 COMMISSIONER MARTINETTI: Yes.

8 MR. AUTERI: Mayor Stack.

9 MAYOR STACK: Yes.

10

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

13 **CONSENT AGENDA:**

14 (1) Resolution Approving the Payment of Claims.

15 (2) Resolution Approving the Payment of
16 Concurring Claims.

17 (3) Resolution Approving the Escrow Funds.

18 (4) Resolution Approving the City Payroll May 6,
19 2023 Through May 19, 2023.

20 (5) Resolution Approving the Library Payroll
21 May 6, 2023 Through May 19, 2023.

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

24 (7) Resolution Authorizing the Refund of
25 Redemption Monies to Outside Lienholders.

- 1 (8) Resolution Authorizing the Renewal of the
- 2 Shared Services Agreement With Hudson County For
- 3 the Maintenance of City Owned Traffic Signals.
- 4 (9) Resolution Approving Chapter 159 For Click It
- 5 Or Ticket Grant.
- 6 (10) Resolution Approving Chapter 159 For 2023
- 7 Farmers Market.
- 8 (11) Resolution Authorizing the Receipt of Bids
- 9 For Tree Trimming Services 2023.
- 10 (12) Resolution Approving an Increase to Contract
- 11 For Public Defender Services For 2022-2023.
- 12 (13) Resolution Authorizing Payment to Montana
- 13 Construction For Emergency Roadway Repair Services
- 14 At 1504-1506 Palisade Avenue.
- 15 (14) Resolution Authorizing the Award of a Raffle
- 16 License to Holy Cross Armenian Church.
- 17 (15) Resolution Appointing Members of the City of
- 18 Union City Board of School Estimate.
- 19 (16) Resolution Authorizing Contract With DLS
- 20 Contracting, Inc., For the City of Union City 2023
- 21 Road Resurfacing Program.
- 22 (17) Resolution Authorizing Emergency Contract For
- 23 Firefighters Park Repair Services.
- 24 (18) Resolution Authorizing Receipt of Bids For
- 25 Bruce Walter Pool Repair Services.

1 (19) Resolution Authorizing Amendment of Contract
2 For Citywide Reassessment Services.

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

5 (21) Resolution to Reappoint Class II Member of
6 the City of Union City Planning Board.

7 (22) Resolution to Reappoint Class III Member to
8 the Union City Planning Board.

9 (23) Municipal Endorsing Resolution to Authorize
10 Application For the Hudson County Open Space
11 Recreation and Historic Preservation Trust Fund
12 For Acquisition of Property Located At 4100
13 Palisade Avenue.

14 (24) Municipal Endorsing Resolution to Authorize
15 Application to the Hudson County Open Space
16 Recreation and Historic Preservation Trust Fund to
17 Fund the Washington Park Soccer Field Turf
18 Replacement.

19 (25) Resolution Authorizing the Issuance of Lead
20 Assistance Grant Funds to the City of Union City
21 By the New Jersey Department of Community Affairs.

22 (26) Resolution Awarding the Contract For NJ DOT
23 Fiscal Year 2023 13th, 37th, and 38th Street
24 Improvements Project.

25 (27) Resolution Designating 14th Street Between

1 John F. Kennedy Boulevard and Summit Avenue As "2
2 Manny's Way".

3 (28) Resolution Designating Bergenline Avenue
4 Between 13th Street and 14th Street As "Daniel J.
5 Malanka Way".

6 (29) Resolution Designating 47th Street Between
7 Bergenline and New York Avenue As "El Salvador
8 Way".

9 (30) Resolution Authorizing the Award of Contract
10 For Engineering Services With Boswell Engineering.

11 MR. AUTERI: Next is the consent agenda,
12 we have 30 items on the consent tonight.

13 One, resolution approving the payment of
14 claims.

15 Two, resolution approving the payment of
16 concurring claims.

17 Three, resolution approving the escrow
18 funds.

19 Four, resolution approving the city
20 payroll May 6, 2023 through May 19, 2023.

21 Five, resolution approving the library
22 payroll May 6, 2023 through May 19, 2023.

23 Six, resolution authorizing the refund
24 of premium monies collected at the tax sale.

25 Seven, resolution authorizing the refund

1 of redemption monies to outside lienholders.

2 Eight, resolution authorizing the
3 renewal of the shared services agreement with
4 Hudson County for the maintenance of city owned
5 traffic signals.

6 Nine, resolution approving Chapter 159
7 for click it or ticket grant.

8 Ten, resolution approving Chapter 159
9 for 2023 farmers market.

10 Eleven, resolution authorizing the
11 receipt of bids for tree trimming services 2023.

12 Twelve, resolution approving an increase
13 to contract for public defender services for
14 2022-2023.

15 Thirteen, resolution authorizing payment
16 to Montana Construction for emergency roadway
17 repair services at 1504-1506 Palisade Avenue.

18 Fourteen, resolution authorizing the
19 award of a raffle license to Holy Cross Armenian
20 Church.

21 Fifteen, resolution appointing members
22 of the City of Union City Board of School
23 Estimate.

24 Sixteen, resolution authorizing contract
25 with DLS Contracting, Inc., for the City of Union

1 City 2023 road resurfacing program.

2 Seventeen's title is incorrect. It
3 should read resolution authorizing emergency
4 contract for Firefighters Park repair services.
5 It's just the wrong park, it's \$50,000. It was an
6 emergency repair service, so that the City could
7 open --

8 MAYOR STACK: Angelo, I sent you
9 additional on that? You and Tammy may not have
10 gotten it. You're going to get the additional on
11 that from John Capizzi on the additional repair,
12 so we can authorize that and it put on the next
13 meeting because time frame is --

14 MS. ZUCCA: I think you sent it to me
15 already, for \$35,000.

16 MR. AUTERI: It's a different
17 contractor.

18 Eighteen, resolution authorizing receipt
19 of bids for Bruce Walter pool repair services.

20 Nineteen, resolution authorizing
21 amendment of contract for citywide reassessment
22 services.

23 Twenty, resolution to appoint members to
24 the Zoning Board of Adjustment for the City of
25 Union City.

1 Twenty-one, resolution to reappoint
2 Class II member of the City of Union City Planning
3 Board.

4 Twenty-two, resolution to reappoint
5 Class III member to the Union City Planning Board.

6 Twenty-three municipal endorsing
7 resolution to authorize application for the Hudson
8 County Open Space Recreation and Historic
9 Preservation Trust Fund for acquisition of
10 property located at 4100 Palisade Avenue.

11 Twenty-four, municipal endorsing
12 resolution to authorize application to the Hudson
13 County Open Space Recreation and Historic
14 Preservation Trust Fund to fund the Washington
15 park soccer field turf replacement.

16 Twenty-five, resolution authorizing the
17 issuance of lead assistance grant funds to the
18 City of Union City by the New Jersey Department of
19 Community Affairs.

20 Twenty-six, resolution awarding the
21 contract for NJ DOT fiscal year 2023 13th, 37th,
22 and 38th Street improvements project.

23 Twenty-seven, resolution designating
24 14th Street between John F. Kennedy Boulevard and
25 Summit Avenue as "2 Manny's Way".

1 Twenty-eight, resolution designating
2 Bergenline Avenue between 13th Street and 14th
3 Street as "Daniel J. Malanka Way".

4 Twenty-nine, resolution designating 47th
5 Street between Bergenline and New York Avenue as
6 "El Salvador Way".

7 Thirty, resolution authorizing the award
8 of contract for engineering services with Boswell
9 Engineering.

10 The Mayor is recusing on payments to the
11 law firm of Chasan Lamparello.

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

14 MAYOR STACK: Sure. Just before we do,
15 just to recognize the Hudson County Open Space on
16 the grant funding for Washington Park soccer
17 field, that's important. That's New York Avenue,
18 that's a project we did many, many years. Do you
19 remember when, Lucio?

20 COMMISSIONER FERNANDEZ: Oh, God, it was
21 a long time.

22 MAYOR STACK: It was a long time. We
23 definitely got our money's worth out of the field.
24 And there's additional monies that we need for
25 4100 Palisade Avenue to put an additional soccer

1 field for our youth and also for a small passive
2 park, which is going to be a beautiful project
3 starting from the end of this year into next year.

4 Having said that, anyone wishing to
5 comment on the consent agenda, please step
6 forward, state your name and address for the
7 record. Seeing none.

8 MR. AUTERI: May I have a motion to
9 close?

10 MAYOR STACK: Motion.

11 COMMISSIONER MARTINETTI: Second.

12 MR. AUTERI: Motion by Mayor Stack.
13 Second by Commissioner Martinetti.

14 Commissioner Fernandez.

15 COMMISSIONER FERNANDEZ: Yes.

16 MR. AUTERI: Commissioner Grullon.

17 COMMISSIONER GRULLON: 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 MR. AUTERI: May I have a motion to
25 approve all items on the consent agenda?

1 COMMISSIONER VALDIVIA: Motion.

2 MR. AUTERI: Motion by Commissioner
3 Valdivia.

4 COMMISSIONER GRULLON: Second.

5 MR. AUTERI: Second by Commissioner
6 Grullon.

7 Commissioner Fernandez.

8 COMMISSIONER FERNANDEZ: The
9 recommendation on Item Number 15?

10 MR. AUTERI: Yes, it has to be city
11 commissioners on the board, it has to be. So the
12 vote has to come from the Board.

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 **REGULAR AGENDA:**

1 1. Resolution amending municipal budge
2 for SFY2023.)

3
4 MR. AUTERI: Next is the regular agenda.
5 Item number one on the regular agenda is a
6 resolution amending municipal budget for SFY2023.

7 MS. ZUCCA: There should be a public --

8 MAYOR STACK: I would just like to
9 recognize that's Tammy Zucca, our chief financial
10 officer from the finance department. Tammy, do
11 you have anything you would like to add tonight?

12 MS. ZUCCA: We had some struggles this
13 year with the budget, but thanks to Mayor Stack
14 who secured us all the additional funding we
15 needed to balance the budget, we have stable tax
16 rate, revenues increased, again, thanks to Mayor
17 Stack. And our expenditures are basically in line
18 with the prior years. We had about \$3 million in
19 surplus from last year that the state let us use
20 also to help balance the budget this year. And
21 we're hoping by the end of this year, we'll have
22 another successful year and be able to move
23 forward with a little bit extra surplus. Other
24 than that, if anyone has any questions, I'm here.

25 MR. AUTERI: At this time, we should

1 take public comment. Mayor, would you like to
2 take public comment on this item?

3 MAYOR STACK: Anyone wishing to comment
4 on the municipal budget state fiscal year 2023,
5 please step forward, state your name and address
6 for the record? Seeing none.

7 MR. AUTERI: Motion to close public
8 comment?

9 MAYOR STACK: Motion to close.

10 COMMISSIONER MARTINETTI: Second.

11 MR. AUTERI: Motion by Mayor Stack,
12 second by Commissioner Martinetti.

13 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. May I have a motion
23 to approve?

24 COMMISSIONER MARTINETTI: Motion.

25 COMMISSIONER FERNANDEZ: Second.

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

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 **REGULAR AGENDA:**

17 2. Resolution adopting annual municipal
18 budget for SFY2023.)

19

20 MR. AUTERI: Next item is the resolution
21 adopting annual municipal budget for SFY2023.
22 Mayor, at this time, would you like to take public
23 comment on this item?

24 MAYOR STACK: Anyone wishing to comment
25 on the resolution adopting the annual municipal

1 budget state fiscal year 2023, please step
2 forward, state your name and address for the
3 record. Seeing none, I'll make the motion to
4 close.

5 COMMISSIONER MARTINETTI: Second.

6 MR. AUTERI: Motion by Mayor Stack,
7 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
19 (Whereupon, the Board discussed and took
20 action on the following items:

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

22 **CONSIDERATION:**

23 1. An ordinance to regulate the sale of
24 lithium-ion batteries in the City of Union City.)
25

1 MR. AUTERI: Next, we have ordinances
2 for hearing and adoption consideration. The first
3 is an ordinance to regulate the sale of
4 lithium-ion batteries in the City of Union City.

5 Mayor, would you like to take public
6 comment?

7 MAYOR STACK: So what this ordinance
8 would do this ordinance would regulate the sale of
9 lithium-ion batteries. So it's the aftermarket
10 sales of these batteries that make them very
11 dangerous to charge them. We see the fires that
12 have taken place not only in New Jersey, but in
13 New York which are much more well publicized,
14 where you see half a block is burned down in the
15 Bronx. This is just something we're trying to get
16 our arms around just to keep everyone safe in
17 their home.

18 The fire prevention and fire department
19 have recommended that we adopt this type of
20 ordinance. The chief and I attended a clergy
21 meeting on Friday, which became a big topic among
22 the clergy. We're doing the seminars with the
23 clergy so we can teach the congregations along
24 with the entire community at large about the
25 danger of these batteries charging overnight, the

1 bicycles. Leaving them to charge on top of a bed,
2 that could easily ignite a fire.

3 So we're trying to get this message out,
4 this is something to send out to the all the
5 businesses. Angelo, we're going to need to send
6 it out with a cover letter from fire prevention,
7 explaining why we're adopting the ordinance to
8 keep people safe and stop and prevent fires.

9 Anyone wishing to comment on this
10 ordinance at this time, please step forward, state
11 your name and address for the record. I'm also
12 introducing legislation as a state senator on
13 this, so it's a statewide, so not every town has
14 to adopt an ordinance on this. But we're doing
15 this as a temporary measure until we get something
16 adopted on the statewide level.

17 Anyone wishing to comment on this
18 ordinance at this time, state your name and
19 address for the record? Seeing none, motion.

20 MR. AUTERI: Motion by Mayor Stack to
21 close.

22 COMMISSIONER VALDIVIA: Second.

23 MR. AUTERI: Second by Commissioner
24 Valdivia.

25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Yes.
2 MR. AUTERI: Commissioner Grullon.
3 COMMISSIONER GRULLON: Yes.
4 MR. AUTERI: Commissioner Valdivia.
5 COMMISSIONER VALDIVIA: Yes.
6 MR. AUTERI: Commissioner Martinetti.
7 COMMISSIONER MARTINETTI: Yes.
8 MR. AUTERI: Mayor Stack.
9 MAYOR STACK: Yes.
10 MR. AUTERI: May I have a motion to
11 adopt the ordinance?
12 COMMISSIONER VALDIVIA: Motion.
13 COMMISSIONER GRULLON: Second.
14 MR. AUTERI: Motion by Commissioner
15 Valdivia. Second by Commissioner Grullon.
16 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
2 (Whereupon, the Board discussed and took
3 action on the following items:

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

5 **CONSIDERATION:**

6 2. An ordinance amending Chapter 234 of
7 the Union City Municipal Code to authorize the
8 Union City Police Department to administer and
9 enforce the licensing of businesses and
10 occupations within the City of Union City.)

11
12 MR. AUTERI: The second ordinance is an
13 ordinance amending Chapter 234 of the Union City
14 municipal code to authorize the Union City Police
15 Department to administer and enforce the licensing
16 of business and occupations within the City of
17 Union City.

18 Mayor, would you like to take public
19 comment on this ordinance?

20 MAYOR STACK: Sure. Anyone wishing to
21 comment on this ordinance at this time, please
22 step forward. This is something that was also
23 recommended at one of our directors' meetings, how
24 having the police department administer and
25 enforce licensing of businesses and occupations

1 within the City of Union City. This would keep a
2 uniform policy out of one office where licenses
3 would be given that we could govern -- we have
4 businesses in the City operating without a
5 license. This is not something to penalize
6 anybody.

7 This would give everyone in the City an
8 opportunity to come in and license their business.
9 This way we know what we have out there and what
10 we don't have out there.

11 It will also help us in the future if we
12 want to publish any type of a municipal guide.
13 Lucio and I worked on this years ago to purchase a
14 guide in the City of Union City where people would
15 know all the restaurants are, where if you want to
16 get repairs to an appliance, where you can go. It
17 would be a multifaceted guide and an ordinance so
18 that we can help the businesses in the long run.

19 Anyone wishing to comment on this
20 ordinance, please step forward, state your name
21 and address for the record. Seeing none, I make a
22 motion to close.

23 MR. AUTERI: Motion by Mayor Stack to
24 close public comment.

25 COMMISSIONER FERNANDEZ: Second.

1 MR. AUTERI: Second by Commissioner
2 Fernandez.

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 MR. AUTERI: May I have motion to adopt
14 the ordinance?

15 COMMISSIONER MARTINETTI: Motion.

16 MR. AUTERI: Motion by Commissioner
17 Martinetti.

18 COMMISSIONER VALDIVIA: Second.

19 MR. AUTERI: Second by Commissioner
20 Valdivia.

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.

5 MAYOR STACK: Yes.

6

7 (Whereupon, the Board discussed and took
8 action on the following items:

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

10 **CONSIDERATION:**

11 3. An ordinance amending Chapter 334,
12 Section 2(B)(1), "applicability exceptions".)

13

14 MR. AUTERI: The third and final
15 ordinance for consideration tonight is an
16 ordinance amending Chapter 334, Section 2(B)(1),
17 applicability exceptions.

18 Mayor, would you like to take public
19 comment on this ordinance?

20 MAYOR STACK: Just if you can explain
21 this one for the public's knowledge? Just to
22 refresh our memories.

23 MR. AUTERI: Absolutely. So years ago,
24 back in 2017, and again in 2018, the City amended
25 the rent control ordinance to reduce the exception

1 amounts for rent controlled units. Originally,
2 the City did reduce it to six -- to five and six
3 unit properties. And at the time, the ordinance
4 stated that owner occupied properties were
5 quote/unquote grandfathered in and not, you
6 know -- did not fall under the exemption.

7 Then again in 2018, the City reduced it
8 again to four unit owner occupied properties and
9 three unit owner occupied properties and it didn't
10 contain the same language. So this amendment is
11 simply a clarification to set forth that three and
12 four unit owner occupied properties are exempt
13 from the rent control ordinance.

14 MAYOR STACK: This is clearing up, doing
15 some housekeeping. Anyone wishing to comment on
16 this ordinance at this time, please step forward
17 and state your name and address for the record.
18 Seeing none, I'll make a motion to close the
19 public comment.

20 MR. AUTERI: Motion by Mayor Stack.

21 COMMISSIONER GRULLON: Second.

22 MR. AUTERI: Second by Commissioner
23 Grullon.

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 MR. AUTERI: May I have a motion to
10 adopt the ordinance?
11 COMMISSIONER VALDIVIA: Motion.
12 MR. AUTERI: Motion by Commissioner
13 Valdivia.
14 MAYOR STACK: Second.
15 MR. AUTERI: Second by Mayor Stack.
16 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.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:

MR. AUTERI: Mayor, at this time, would you like to take public comment any matter concerning municipal government in the City of Union City?

MAYOR STACK: Sure. Just before we do, I want to thank you to the commissioners again for moving our meetings throughout the community and trying to get as much public input as possible.

Having said that, does anyone have any comment on any matter in the City of Union City. If so, please step forward, state your name and address for the record? Seeing none.

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

COMMISSIONER MARTINETTI: Motion.

COMMISSIONER GRULLON: Second.

MR. AUTERI: Motion by Commissioner Martinetti. Second by Commissioner Grullon.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes.

MR. AUTERI: Commissioner Grullon.

COMMISSIONER GRULLON: Yes.

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

LIQUOR LICENSE HEARINGS:

1. Jor Per Corp.
T/a Cucalambe Bar
4418 Bergenline Avenue
0910-33-110-010
(Anna Noris, Esq.)
2. R.G. Entertainment Enterprise, Inc.
T/a Therapy Lounge
2803 Bergenline Avenue
0910-33-134-006
(Anna Noris, Esq.)
3. Azucar Club, Inc.
T/a Azucar Night Club
421 43rd Street
0910-33-003-007
(Anna Noris, Esq.)
4. Los Precios Corp.
At/a Los Precios Supermarket
2817 Bergenline Avenue
0910-43-079-009
(Anna Noris, Esq.)
5. El Chapin Corp.
T/a El Cuscatleco Bar Restaurant
2118 Bergenline Avenue
0910-33-075-010
(Christian Diaz, Esq.)

1 **1. El Chapin Corp.**

2 **T/a El Cuscatleco Bar Restaurant**

3 **2118 Bergenline Avenue**

4 **0910-33-075-010**

5 **(Christian Diaz, Esq.)**

6
7 MR. AUTERI: At this time, we have
8 liquor license hearings. Mr. Gonzalez.

9 MR. GONZALEZ: Good evening. For the
10 record, Ramon Gonzalez on behalf of the Union City
11 ABC.

12 Good evening, Mayor and Commissioners.
13 We have five matters listed for today. We've had
14 an opportunity to review these matters prior to
15 today. We have received resolutions on all of
16 them. Present, I have Sergeant Zeron, if she can
17 come, and Lieutenant Dunlay, who've been
18 instrumental in the preparation of these cases.
19 What I would like to do is I'd like to go a little
20 bit out of order of what we have on our agenda.

21 I'd like to call the matter El Chapin
22 Corporation, trading as El Cuscatleco Bar, they're
23 represented by counsel. We do also have an
24 interpreter, if we can have her sworn in.
25

1 S O L V I L L O N, an interpreter of the
2 SPANISH language, after having been duly sworn or
3 affirmed, did interpret the following testimony:

4
5 MR. GONZALEZ: This particular
6 establishment has four incidents that we're
7 addressing, one on November 26, 2022; March 12,
8 2022; March 26, 2023; and the last one would be on
9 May 6th, 2023. All of them involve brawls and
10 serving to underaged minors.

11 We're taking this very serious, but in
12 an effort to resolve this matter, with the consent
13 of the police department, we've come up with a
14 very unique situation as a resolution. It really
15 puts the keys to the license in the holder's hand.
16 We have proposed and they have agreed to a 45 day
17 suspension that would start July 3rd. In
18 addition, if there's any new charges, it would be
19 more than four offenses, so we would be allowed to
20 proceed for revocation of the license.

21 More importantly, the police department
22 is very concerned with what's going on there. And
23 it's requested that the special condition -- that
24 they close at 12:00 for one continuous year also
25 be one of the penalties. I think under the

1 circumstances and with the consent of the police
2 department and their concerns, that is very
3 important issue. Because that really goes to the
4 quality of life.

5 As I said to the licensee through his
6 attorney, Mr. Diaz who's present, any future
7 violations could be a revocation. So this is
8 taken very seriously. And as I said to counsel
9 and his client, this is obviously subject to the
10 approval by this Commission. You want to put your
11 appearance.

12 MR. DIAZ: Good evening, Mayor Stack,
13 Board, my name Christian Diaz and I represent El
14 Cuscatleco Restaurant, El Chapin Corp. is the
15 parent company.

16 As Mr. Gonzalez put it, while this bar
17 restaurant has had its trials and tribulations
18 throughout the years, I think this step of closing
19 at 12:00 every night for a continuous year is not
20 only going to help their establishment, but Union
21 City, as a whole. I think as a bar restaurant,
22 unfortunately, in that type of environment, it's
23 very difficult after serving to control what
24 happens outside of the establishment on the
25 sidewalk. But nevertheless, if we can limit the

1 amount of serving and the amount of time that
2 people are in the establishment, that will
3 certainly help.

4 They fully understand and the owner
5 fully understands the severity of the situation
6 and is full cognizant of the penalties and the
7 consequences thereafter. So I do thank Mr.
8 Gonzalez and the department and everybody here
9 tonight for entertaining this resolution. Thank
10 you.

11 MAYOR STACK: Thank you very much. So
12 the terms are it would be 45 days?

13 MR. GONZALEZ: It would be 45 days,
14 commencing on July 3rd. There would be -- and
15 that's continuous. The special condition will
16 last for one year, where he will have to be closed
17 at 12:00 midnight. And, lastly, if there's any
18 other violation, we can proceed for revocation of
19 the license since it's more than four prior
20 charges within a continuous year.

21 MAYOR STACK: So 45 days starting July
22 3rd and for one year, they'll be closing at
23 midnight?

24 MR. GONZALEZ: That's correct.

25 MAYOR STACK: That's correct, okay.

1 I'll make a motion to approve.

2 COMMISSIONER FERNANDEZ: Is it any
3 violations or similar violations?

4 MR. GONZALEZ: Pursuant to the ABC code,
5 any violation could subject him to revocation.
6 Obviously, I believe the Mayor and Commissioners,
7 you have seen that we've been very helpful with
8 licensee holders. So we suspect that there should
9 be no violations. But if it's something serious,
10 we will proceed with revocation.

11 MAYOR STACK: Thank you, Lucio. Any
12 other Commissioners have any questions at this
13 time? I'll make a motion to approve.

14 MR. AUTERI: Motion by Mayor Stack.

15 COMMISSIONER FERNANDEZ: Second.

16 MR. AUTERI: Second by Commissioner
17 Fernandez.

18 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. Thank you very much.

3 * * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **2. Los Precios Corp.**
2 **T/a Los Precios Supermarket**
3 **2817 Bergenline Avenue**
4 **0910-43-079-009**
5 **(Anna Noris, Esq.)**

6
7 MR. GONZALEZ: The next matter I'd like
8 to call is Los Precios Supermarket. They are
9 represented by Anna Noris.

10 This matter we have a proposed
11 disposition --

12 MAYOR STACK: This is on which one, Mr.
13 Gonzalez?

14 MR. GONZALEZ: Los Precios Supermarket,
15 it's located at 2817 Bergenline Avenue.

16 MR. AUTERI: Let the record reflect that
17 Commissioner Martinetti is leaving the meeting at
18 7:39.

19 MAYOR STACK: Go ahead, Mr. Gonzalez.

20 MR. GONZALEZ: On this matter, the owner
21 Mr. Donsel, he's owned the license for over
22 30 years. He has no violations whatsoever. What
23 he did is he came in to our pre-meeting, sat with
24 us, with his counsel, was extremely cognizant of
25 what he has to correct, which he did. And it was

1 selling loose beers. He now knows that he cannot
2 sell loose beers, they're warm beers. He doesn't
3 have a liquor store or anything like that.

4 Based on that and after inspection by
5 the police department, we feel in this situation
6 it's fair that we dismiss this matter against him.

7 COMMISSIONER VALDIVIA: He just came in.

8 MAYOR STACK: I have -- I mean any
9 Commissioners have any questions? I have no issue
10 whatsoever. If every business operated like this
11 one in the City, we'd be in good shape. They do a
12 good job, there's no issues whatsoever. He's very
13 responsible as the owner, very hands on, no issue
14 whatsoever.

15 MR. GONZALEZ: He was very cooperative
16 with us.

17 MAYOR STACK: All right.

18 MR. DONSEL: I'm not doing it anymore.

19 MAYOR STACK: Motion to dismiss.

20 MR. AUTERI: Motion by Mayor Stack.

21 COMMISSIONER VALDIVIA: Second.

22 MR. AUTERI: Second by Commissioner
23 Valdivia.

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: Mayor Stack.

6 MAYOR STACK: Yes.

7 * * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **3. Jor Per Corp.**
2 **T/a Cucalambe Bar**
3 **4418 Bergenline Avenue**
4 **0910-33-110-010**
5 **(Anna Noris, Esq.)**
6

7 MR. GONZALEZ: The next matter is
8 Cucalambe Bar at 4418 Bergenline Avenue, they are
9 also represented by Anna Noris.

10 This is an incident that occurred on
11 December 13th of last year, it was a brawl.
12 During the investigation, the owner, which is
13 present here and we have the translator that's
14 translating this simultaneously, was very
15 cooperative with the police department. And this
16 is exactly what we were teaching them when they
17 showed up at the course that was given a week and
18 a half ago.

19 This cooperation is what's necessary.
20 And based on that and the recommendation from
21 Sergeant Zeron and Lieutenant Dunlay, this would
22 be a recommendation of only a five day suspension.
23 They have chosen, if it's granted, it would be
24 from July 10th to July 15th.

25 MS. NORIS: That would be -- if the

1 Board is kind enough to accept that suspension
2 period, that would be the dates that we are more
3 than amenable to do that. And we have attempted
4 at every moment to cooperate with the police and
5 the city in order for them to be able to preserve
6 the license.

7 MR. GONZALEZ: Their last violation was
8 back in May of 2017.

9 MAYOR STACK: Okay. I'll make a motion
10 to approve.

11 MR. AUTERI: Motion by Mayor Stack.

12 COMMISSIONER FERNANDEZ: Second.

13 MR. AUTERI: Second by Commissioner
14 Fernandez.

15 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: Mayor Stack.

22 MAYOR STACK: Yes.

23 * * * *

24

25

1 **4. R.G. Entertainment Enterprise, Inc.**
2 **T/a Therapy Lounge**
3 **2803 Bergenline Avenue**
4 **0910-33-134-006**
5 **(Anna Noris, Esq.)**

6
7 MR. GONZALEZ: Thank you. The next
8 matter is R.G. Entertainment Enterprises, trading
9 as Therapy Lounge.

10 Just so I have clarification, can I have
11 your name for the record?

12 MR. GUZMAN: Guzman.

13 MR. GONZALEZ: Mr. Guzman, are you
14 represented by Adolfo Lopez?

15 MR. GUZMAN: I don't know what to say
16 because honestly he couldn't make it tonight.

17 MR. GONZALEZ: Well, his associate, his
18 partner, Ms. Noris is here. Is she representing
19 you?

20 MR. GUZMAN: Yes. Would you allow me a
21 second?

22 MR. GONZALEZ: Absolutely.

23
24 (Discussion held off the record.)
25

1 **5. Azucar Club, Inc.**
2 **T/a Azucar Night Club**
3 **421 43rd Street**
4 **0910-33-003-007**
5 **(Anna Noris, Esq.)**

6
7 MAYOR STACK: Let's move on to the next
8 one.

9 MR. GONZALEZ: This matter concerns a
10 brawl that occurred on the 10th of March of this
11 year. There's a long history, but in the
12 investigation, the owner was very cooperative with
13 the police department and police officers. But we
14 just can't let this go by. There have been many
15 violations in the past. I know this gentleman was
16 present at the last meeting, where we were
17 teaching everybody that they need to cooperate.
18 We want to cooperate with him and it's good that
19 he had everything he needed, but there was an
20 incident and brawl that should have been avoided.
21 We're recommending and I believe that he's
22 accepted through counsel, it would be a 15 day
23 suspension, that would be from July 25th to August
24 8th.

25 MAYOR STACK: Can you give me on

1 synopsis on these, so we can get something out?
2 You'll get me a synopsis over so we can get
3 something out?

4 MR. GONZALEZ: Absolutely.

5 MAYOR STACK: I appreciate it. Okay.

6 MS. NORIS: That is my understanding,
7 we've talked.

8 MAYOR STACK: This is what's been agreed
9 to.

10 MR. GONZALEZ: And just your name for
11 the record?

12 MR. RODRIGUEZ: Juan Miguel Rodriguez.

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

15 MR. AUTERI: Motion by Mayor Stack.

16 COMMISSIONER VALDIVIA: Second.

17 MR. AUTERI: Second by Commissioner
18 Valdivia.

19 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: Mayor Stack.

1 MAYOR STACK: Yes. Thank you. Ms.
2 Noris, we'll give you 10 minutes.

3

4 (Discussion held off the record.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **continued:**

2 **4. R.G. Entertainment Enterprise, Inc.**

3 **T/a Therapy Lounge**

4 **2803 Bergenline Avenue**

5 **0910-33-134-006**

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

7
8 MR. AUTERI: We're back on the record at
9 7:51.

10 MR. GONZALEZ: The last matter is
11 Therapy Lounge, located at 2803 Bergenline Avenue,
12 they are represented by Anna Noris. The owner,
13 Mr. Guzman is here. We do have an interpreter so
14 it's clear.

15 This is for an incident that occurred on
16 February 8th of this year, it was a brawl. The
17 difficult problem that we have with this matter is
18 the brawl involved two employees behind the bar
19 and one of them was not licensed either. That was
20 just found out and we were able to confirm with it
21 with the video.

22 In an effort to resolve this matter,
23 since it's sometime since he had a prior, we're
24 recommending a 20 day suspension, we don't have a
25 date of commencement. If it's accepted, through

1 his attorney -- he'll provide me the 20
2 consecutive days that we're proposing. Obviously,
3 it's subject to your approval.

4 Oh, one more thing. Mr. Guzman, we have
5 had a lot of complaints in the area of noise. You
6 must maintain the rear doors closed, they have to
7 be operable for safety purposes, but they can't be
8 open disturbing the neighbors.

9 MR. GUZMAN: Yes, sir.

10 MAYOR STACK: Ms. Noris, did you have
11 anything you want to add?

12 MS. NORIS: Simply that he's notified us
13 he'll let us know within the next two business
14 days for us to notify Mr. Gonzalez of the dates.

15 MAYOR STACK: Any questions? Seeing
16 none, I'll make a motion to approve.

17 MR. AUTERI: Motion made by Mayor Stack.

18 COMMISSIONER VALDIVIA: Second.

19 MR. AUTERI: Second by Commissioner
20 Valdivia.

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: Mayor Stack.

3 MAYOR STACK: Yes.

4 MR. GONZALEZ: That concludes our
5 calendar.

6 MR. AUTERI: Thank you, Mr. Gonzalez.

7 * * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ADJOURNMENT :

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

MAYOR STACK: Motion.

COMMISSIONER VALDIVIA: Second.

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

(Whereupon, all Board Members indicate in the affirmative.)

MR. AUTERI: Thank you, the time is 7:54.

(Whereupon the meeting was adjourned at 7:54 p.m.)

1

Brian P. Stack

2

Lucio P. Fernandez

3

Maryury A. Martinetti

4

Celin J. Valdivia

5

Wendy A. Grullon

6

Board of Commissioners

7

8

9

Attest:

10

Angelo Auteri, Esq.,

11

Corporation Counsel

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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