

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

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

EMERSON MIDDLE SCHOOL
318 18th Street
Union City, New Jersey

Tuesday, January 9, 2024
Commencing at 7:00 p.m.

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

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

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

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

SCARINCI HOLLENBECK
BY: ANGELO AUTERI, ESQ.
Corporation Counsel

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

BRENDAN DEVANEY, ESQUIRE
Attorney for Noches Union City, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	4
SALUTE TO FLAG	4
ROLL CALL	5
MINUTES	5
ORDINANCE(S) FOR INTRODUCTION	6/7
CONSENT AGENDA	9
REGULAR AGENDA	16/18
CITIZENS ADDRESS THE BOARD	19
LIQUOR LICENSE PUBLIC HEARINGS	
Noches Union City, LLC	21
JRV Restaurant, Inc.	25
Shriji II, LLC	29
Jose Miguel Sanchez	36
ADJOURNMENT	45

1 MS. ROSARIO: Can we please stand for
2 the Pledge of Allegiance.

3
4 (Whereupon, the Pledge of Allegiance was
5 recited.)

6
7 MAYOR STACK: This meeting is going to
8 be recorded and transcribed?

9 MS. ROSARIO: Yes.

10 MAYOR STACK: She'll be at the next
11 meeting?

12 MS. ROSARIO: Yes.

13 MAYOR STACK: Very good.

14 MS. ROSARIO: This is a regular public
15 meeting of the Union City Board of Commissioners
16 being held on Tuesday, January 9th at 7:00 p.m. at
17 the Emerson School 318 18th Street in Union City.

18 The meeting has been called in
19 accordance with the Open Public Meeting Act.
20 Adequate notice of this meeting has been forwarded
21 as follows: Was forwarded to The Jersey Journal,
22 The Record, has been posted on the bulletin board
23 in the City Hall and has been made available to
24 the public in the office of the Municipal Clerk.

25

ROLL CALL:

MS. ROSARIO: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Here.

MS. ROSARIO: Commissioner Grullon.

COMMISSIONER GRULLON: Here.

MS. ROSARIO: Commissioner Valdivia.

COMMISSIONER VALDIVIA: Here.

MS. ROSARIO: Commissioner Martinetti.

COMMISSIONER MARTINETTI: Here.

MS. ROSARIO: Mayor Stack.

MAYOR STACK: Here.

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

APPROVAL OF MEETING MINUTES - DECEMBER 7, 2023, DECEMBER 19, 2023, AND DECEMBER 28, 2023.)

MS. ROSARIO: The first item on the agenda is approval of the meeting minutes.

May I have a motion to approve the minutes for the following --

MAYOR STACK: Motion.

MS. ROSARIO: Motion made by Mayor Stack.

1 MAYOR STACK: I'm sorry, it's the
2 December 7, 2023, December 19th, 2023, and
3 December 28, 2023. I'm sorry, Hilda.

4 MS. ROSARIO: That's okay. Motion made
5 by Mayor Stack.

6 COMMISSIONER MARTINETTI: Second.

7 MS. ROSARIO: Second by Commissioner
8 Martinetti.

9 Commissioner Fernandez.

10 COMMISSIONER FERNANDEZ: Yes.

11 MS. ROSARIO: Commissioner Grullon.

12 COMMISSIONER GRULLON: Yes.

13 MS. ROSARIO: Commissioner Valdivia.

14 COMMISSIONER VALDIVIA: Yes.

15 MS. ROSARIO: Commissioner Martinetti.

16 COMMISSIONER MARTINETTI: Yes.

17 MS. ROSARIO: Mayor Stack.

18 MAYOR STACK: Yes.

19

20 (Whereupon, the Board discussed and took
21 action on the following item:

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

23 1. ORDINANCE SUPPLEMENTING AND AMENDING THE
24 REVISED GENERAL ORDINANCE OF THE CITY OF UNION
25 CITY, AMENDING THE RESTRICTED RESIDENTIAL PERMIT

1 PARKING PROGRAM.)

2
3 MS. ROSARIO: There are two ordinances
4 for introduction. Adoption on first reading
5 authorizes the Municipal Clerk to advertise the
6 ordinance with a notice of the introduction
7 together with a notice of time and place when the
8 ordinance will be considered for final passage.
9 The ordinance will be further considered at a
10 meeting of the Board of Commissioners to be held
11 on Tuesday, January 23rd, 2024, at the Bella Vista
12 Apartments, 522 22nd Street in Union City.

13 The first ordinance is supplementing and
14 amending the revised general ordinance of the City
15 of Union City amending the restricted residential
16 permit parking program.

17 May I have a motion to introduce?

18 MAYOR STACK: Motion.

19 COMMISSIONER MARTINETTI: Second.

20 MS. ROSARIO: Motion made by Mayor
21 Stack, second by Commissioner Martinetti.

22
23 (Whereupon, the Board discussed and took
24 action on the following:

25 **ORDINANCE FOR INTRODUCTION:**

1 2. ORDINANCE SUPPLEMENTING AND AMENDING THE
2 REVISED GENERAL ORDINANCE OF THE CITY OF UNION
3 CITY, AMENDING THE PARKING METER ORDINANCE.)
4

5 MS. ROSARIO: The second ordinance is an
6 ordinance supplementing and amending the revised
7 general ordinance of the City of Union City,
8 amending the parking meter ordinance.

9 May I have a motion to introduce?

10 MAYOR STACK: Motion to introduce. This
11 is ordinance is the parking meter ordinance.

12 COMMISSIONER MARTINETTI: Second.

13 MS. ROSARIO: Motion made by Mayor
14 Stack, second by Commissioner Martinetti.

15 Commissioner Fernandez.

16 COMMISSIONER FERNANDEZ: Yes.

17 MS. ROSARIO: Commissioner Grullon.

18 COMMISSIONER GRULLON: Yes.

19 MS. ROSARIO: Commissioner Valdivia.

20 COMMISSIONER VALDIVIA: Yes.

21 MS. ROSARIO: Commissioner Martinetti.

22 COMMISSIONER MARTINETTI: Yes.

23 MS. ROSARIO: Mayor Stack.

24 MAYOR STACK: Yes.
25

(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 12/02/2023 - 12/22/2023.

(5) Resolution Approving the Library Payroll 12/02/2023 - 12/22/2023.

(6) Resolution Authorizing the Crediting Tax Appeal Decisions By the Hudson County Board of Taxation.

(7) Resolution Cancelling 2023 Taxes and Transferring the Taxes to the New Units.

(8) Resolution to Cancel Tax Sale Certificate 23-20133 - Block 249, Lot 23 For 514 43rd Street.

(9) Resolution Authorizing the Adjustment of Taxes For the First Half of 2024.

(10) Resolution Authorizing the Refund of Premium Monies Collected At the Tax Sale.

(11) Resolution Authorizing the Refund of Tax Appeals Issued By the Hudson County Board of Taxation.

1 (12) Resolution Authorizing Refund of Redemption
2 Monies to Outside Lienholders.

3 (13) Resolution Authorizing the City of Union
4 City Annual Audit Report For Year Ending June 30,
5 2023.

6 (14) Resolution Approving and Accepting State
7 Fiscal Year 2023 Corrective Action Plan.

8 (15) Resolution Authorizing the Governing Body
9 Certification of the 2023 Annual Audit.

10 (16) Resolution Approving Interlocal Agreement
11 Between the City of Union City and the Hudson
12 Regional Health Commission For Conducting Elevated
13 Blood Lead Investigations For the Term of March 1,
14 2024 Through February 29, 2027.

15 (17) Resolution Authorizing Extension to License
16 Agreement For the Real Property Located At Tax
17 Block 19, Lot 1-3, 21-22 For the Temporary
18 Operation of the Union City Department of Public
19 Works.

20 (18) Resolution Amending Contract For Special
21 Counsel Services With Chasan, Lamparello, Mallon
22 and Cappuzzo, PC Through December 31, 2023.

23 (19) Resolution Awarding Contract For Interpreter
24 Services For 2024.

25 (20) Resolution Authorizing the Placement of a

1 Lien on the Property Known As 2200 Bergenline
2 Avenue, Union City, New Jersey 07087, Block 124,
3 Lot 1 in the City of Union City For Emergency
4 Repair Costs.

5 (21) Resolution Approving Grant Agreement Between
6 City of Union City and State of New Jersey By and
7 For the Department of Environmental Protection
8 Grant Identifier: EVLVL-2022 City of Union
9 City -00809.

10 (22) Resolution Authorizing Contract For Tax
11 Appeal Expert Services For the City of Union City
12 For 2024.

13 (23) Resolution Authorizing Contract For Chief
14 Municipal Court Prosecutor Services to the Legg
15 Law Firm, LLC For 2024.

16 (24) Resolution Authorizing Contract For
17 Substitute Municipal Court Prosecutor Services For
18 2024.

19 (25) Resolution Authorizing Receipt of Bids For
20 Pools & Spray Grounds Opening Maintenance &
21 Closing For 2024.

22 (26) Resolution Authorizing the Receipt of Bids
23 to Purchase Flowers For 2024.)

24
25 MS. ROSARIO: There are 26 items on the

1 consent agenda.

2 One, resolution approving the payment of
3 claims.

4 Two, resolution approving the payment of
5 concurring claims.

6 Three, resolution approving the escrow
7 refunds.

8 Four, resolution approving the city
9 payroll 12/02/2023 - 12/22/2023.

10 Five, resolution approving the library
11 payroll 12/02/2023 - 12/22/2023.

12 Six, resolution authorizing the
13 crediting tax appeal decisions by the Hudson
14 County Board of Taxation.

15 Seven, resolution cancelling 2023 taxes
16 and transferring the taxes to the new units.

17 Eight, resolution to cancel tax sale
18 certificate 23-20133 - Block 249, Lot 23 for 514
19 43rd Street.

20 Nine, resolution authorizing the
21 adjustment of taxes for the first half of 2024.

22 Ten, resolution authorizing the refund
23 of premium monies collected at the tax sale.

24 Eleven, resolution authorizing the
25 refund of tax appeals issued by the Hudson County

1 Board of Taxation.

2 Twelve, resolution authorizing refund of
3 redemption monies to outside lienholders.

4 Thirteen, resolution authorizing the
5 City of Union City annual audit report for year
6 ending June 30, 2023.

7 Fourteen, resolution approving and
8 accepting state fiscal year 2023 corrective action
9 plan.

10 Fifteen, resolution authorizing the
11 governing body certification of the 2023 annual
12 audit.

13 Sixteen, resolution approving interlocal
14 agreement between the City of Union City and the
15 Hudson Regional Health Commission for conducting
16 elevated blood lead investigations for the term of
17 March 1, 2024 through February 29, 2027.

18 Seventeen, resolution authorizing
19 extension to license agreement for the real
20 property located at tax Block 19, Lot 1-3, 21-22
21 for the temporary operation of the Union City
22 Department of Public Works.

23 Eighteen, resolution amending contract
24 for special counsel services with Chasan,
25 Lamparello, Mallon and Cappuzzo, PC through

1 December 31, 2023.

2 Nineteen, resolution awarding contract
3 for interpreter services for 2024.

4 Twenty, resolution authorizing the
5 placement of a lien on the property known as 2200
6 Bergenline Avenue, Union City, New Jersey 07087,
7 Block 124, Lot 1 in the City of Union City for
8 emergency repair costs.

9 Twenty-one, resolution approving grant
10 agreement between City of Union City and State of
11 New Jersey by and for the Department of
12 Environmental Protection grant identifier:
13 EVLVL-2022 City of Union City -00809.

14 Twenty-two, resolution authorizing
15 contract for tax appeal expert services for the
16 City of Union City for 2024.

17 Twenty-three, resolution authorizing
18 contract for chief municipal court prosecutor
19 services to the Legg law firm, LLC for 2024.

20 Twenty-four, resolution authorizing
21 contract for substitute municipal court prosecutor
22 services for 2024.

23 Twenty-five, resolution authorizing
24 receipt of bids for pools & spray grounds opening
25 maintenance & closing for 2024.

1 Twenty-six, resolution authorizing the
2 receipt of bids to purchase flowers for 2024.

3 Going back on the record, we had 26
4 items, not 27.

5 Mayor will recuse from Item Number 18
6 for the Chasan, Lamparello, Mallon and Cappuzzo.

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

9 MAYOR STACK: Anyone wishing to comment
10 on the consent agenda, please step forward, state
11 your name and address for the record. This is
12 just on the consent agenda that was just read into
13 the record by our clerk. Anyone wishing to
14 comment on those items, please step forward.

15 Seeing none, I'll make a motion to close
16 the public comment period.

17 COMMISSIONER FERNANDEZ: Second.

18 MS. ROSARIO: Motion made by Mayor
19 Stack, second by Commissioner Fernandez.

20 Commissioner Fernandez.

21 COMMISSIONER FERNANDEZ: Yes.

22 MS. ROSARIO: Commissioner Grullon.

23 COMMISSIONER GRULLON: Yes.

24 MS. ROSARIO: Commissioner Valdivia.

25 COMMISSIONER VALDIVIA: Yes.

1 MS. ROSARIO: Commissioner Martinetti.

2 COMMISSIONER MARTINETTI: Yes.

3 MS. ROSARIO: Mayor Stack.

4 MAYOR STACK: Yes.

5 MS. ROSARIO: May I have a motion to
6 approve all items on the consent agenda?

7 COMMISSIONER VALDIVIA: Motion.

8 COMMISSIONER MARTINETTI: Second.

9 MS. ROSARIO: Motion made by
10 Commissioner Valdivia, second by Commissioner
11 Martinetti.

12 Commissioner Fernandez.

13 COMMISSIONER FERNANDEZ: Yes.

14 MS. ROSARIO: Commissioner Grullon.

15 COMMISSIONER GRULLON: Yes.

16 MS. ROSARIO: Commissioner Valdivia.

17 COMMISSIONER VALDIVIA: Yes.

18 MS. ROSARIO: Commissioner Martinetti.

19 COMMISSIONER MARTINETTI: Yes.

20 MS. ROSARIO: 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 approving payment of claims to the
2 Union City Board of Education.)

3

4 MS. ROSARIO: There are two items on the
5 regular agenda. The first, number one is a
6 resolution approving payment of claim to the Union
7 City Board of Education. Commissioner Fernandez
8 and Martinetti recuse on this item. Ordinarily,
9 Commissioner --

10 MR. AUTERI: Tonight, the Board of
11 Commissioners will invoke the doctrine of
12 necessity to move this item.

13 MS. ROSARIO: Thank you. May I have a
14 motion to approve?

15 MAYOR STACK: Motion.

16 MS. ROSARIO: Motion made by Mayor
17 Stack.

18 COMMISSIONER GRULLON: Second.

19 MS. ROSARIO: Second by Commissioner
20 Grullon.

21 Commissioner Grullon.

22 COMMISSIONER GRULLON: Yes.

23 MS. ROSARIO: Commissioner Valdivia.

24 COMMISSIONER VALDIVIA: Yes.

25 MS. ROSARIO: Mayor Stack.

1 MAYOR STACK: Yes.

2

3 (Whereupon, the Board discussed and took
4 action on the following item:

5 **REGULAR AGENDA:**

6 2. Resolution approving 2024 temporary budget.)

7

8 MS. ROSARIO: The second is resolution
9 approving 2024 temporary budget. May I have a
10 motion to approve?

11 COMMISSIONER MARTINETTI: Motion.

12 MS. ROSARIO: Motion made by
13 Commissioner Martinetti.

14 COMMISSIONER VALDIVIA: Second.

15 MS. ROSARIO: Second by Commissioner
16 Valdivia.

17 Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: Yes.

19 MS. ROSARIO: Commissioner Grullon.

20 COMMISSIONER GRULLON: Yes.

21 MS. ROSARIO: Commissioner Valdivia.

22 COMMISSIONER VALDIVIA: Yes.

23 MS. ROSARIO: Commissioner Martinetti.

24 COMMISSIONER MARTINETTI: Yes.

25 MS. ROSARIO: Mayor Stack.

1 MAYOR STACK: Yes.

2

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

4

5 MS. ROSARIO: Mayor, would you like to
6 take public comment on any portion of this
7 meeting?

8 MAYOR STACK: Yes. Anyone wishing to
9 comment on any matter concerning municipal
10 government in the City of Union City, please step
11 forward, state your name and address for the
12 record?

13 Seeing none, I'll make a motion to close
14 the public comment period.

15 MS. ROSARIO: Motion made by Mayor
16 Stack.

17 COMMISSIONER FERNANDEZ: Second.

18 MS. ROSARIO: Second by Commissioner
19 Fernandez.

20 Commissioner Fernandez.

21 COMMISSIONER FERNANDEZ: Yes.

22 MS. ROSARIO: Commissioner Grullon.

23 COMMISSIONER GRULLON: Yes.

24 MS. ROSARIO: Commissioner Valdivia.

25 COMMISSIONER VALDIVIA: Yes.

1 MS. ROSARIO: Commissioner Martinetti.

2 COMMISSIONER MARTINETTI: Yes.

3 MS. ROSARIO: Mayor Stack.

4 MAYOR STACK: Yes.

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LIQUOR LICENSE HEARINGS:

1. Noches Union City, LLC

T/a Noches de Colombia

2821 Bergenline Avenue

0910-33-034-004

(Brendan Devaney, Esq.)

MS. ROSARIO: Now, we have liquor license hearings. Mr. Gonzalez.

MR. GONZALEZ: Good evening, Ramon Gonzalez, ABC prosecutor for the City of Union City. Good evening, Mayor, Commissioners. We have several matters.

The first matter I'd like to have Noches Union City, LLC. They are represented by Albert Buzzetti's office. They have a representative here.

MR. DEVANEY: My name is Brendan Devaney, attorney from Albert Buzzetti's office, we represent Noches Union City.

MR. GONZALEZ: This matter is before the board as a result of an inspection that was done by the Union City police officers, I have them here. I thought these matters were going to have to go to trial, but we were able to resolve them

1 at an earlier meeting. As a result of the
2 inspections, there was a deficiency in the books
3 that were required to be kept at the location. As
4 a result, they conceded that in fact they were
5 not. They have now been reinspected by --

6 (Pause in audio.)

7 MR. GONZALEZ: Right. They had a 25 day
8 suspension about a year ago from the state coming
9 in. But they went to Trenton and they paid that,
10 so there was no suspension.

11 So this here is an actual five day
12 suspension from selling alcohol -- almost
13 three years ago. So we feel that it should be
14 suspended, liquor sales for five days, just as a
15 cumulative measure. Unless the board thinks
16 otherwise.

17 MAYOR STACK: Okay. I'll go with the
18 recommendation. That's fine. Did you have
19 anything, sir, that you wanted to add?

20 MR. DEVANEY: I wasn't at that meeting
21 when that was discussed, but I was told that you
22 guys asked for an updated profit and loss sheet
23 that broke out the liquor license purchases
24 specifically. So I have that here if you want a
25 copy of it.

1 MR. GONZALEZ: Yes, that would be great.

2 MR. DEVANEY: And I also was asked to
3 make sure we had everything in order and to see if
4 there's anything else you needed from us.

5 MR. GONZALEZ: No, I think the
6 inspection -- once we had the meeting, Mr.
7 Buzzetti came and gave us a lot of documents and
8 we're able to confirm that they corrected the
9 situation. We did make them aware that they have
10 to have these things, the paperwork, invoices,
11 everything available for the inspections. And I
12 believe -- I hope they will be in compliance.

13 MAYOR STACK: Hopefully, there's not
14 other violations in the future. It would mean a
15 lot if the management or the owner came also.

16 MR. DEVANEY: I think he was trying to
17 come, he got tied up.

18 MAYOR STACK: Okay. I'll make a motion
19 to approve five day suspension.

20 COMMISSIONER FERNANDEZ: Second.

21 MS. ROSARIO: Motion made by Mayor Stack
22 second by Commissioner Fernandez.

23 Commissioner Fernandez.

24 COMMISSIONER FERNANDEZ: Yes.

25 MS. ROSARIO: Commissioner Grullon.

1 COMMISSIONER GRULLON: Yes.

2 MS. ROSARIO: Commissioner Valdivia.

3 COMMISSIONER VALDIVIA: Yes.

4 MS. ROSARIO: Commissioner Martinetti.

5 COMMISSIONER MARTINETTI: Yes.

6 MS. ROSARIO: Mayor Stack.

7 MAYOR STACK: Yes. Thank you.

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1 **2. JRV RESTAURANT, INC.**
2 **T/A El Papaturro Lounge**
3 **1018 Summit Avenue**
4 **0910-33-137-005**

5
6 MR. GONZALEZ: Next matter is JRV
7 Restaurant, trading as El Papaturro Lounge, 1018
8 Summit Avenue.

9 MR. CLAROS: Good evening.

10 MR. GONZALEZ: Place your name on the
11 record.

12 MR. CLAROS: Juan Claros.

13 MS. ROSARIO: Can you spell your last
14 name for us?

15 MR. CLAROS: C-L-A-R-O-S.

16
17 J U A N C L A R O S, after having been duly
18 sworn or affirmed, did testify as follows:

19
20 MS. ROSARIO: Thank you.

21 MR. GONZALEZ: Mr. Claros, you're here
22 today. Prior to coming here, you had a meeting
23 with me at the police station; is that correct?

24 MR. CLAROS: That's correct.

25 MR. GONZALEZ: And that was to negotiate

1 these pleas; is that right?

2 MR. CLAROS: That's right.

3 MR. GONZALEZ: I gave you the
4 opportunity at that time if you wanted to have an
5 opportunity to have an attorney present and you
6 opted not to; is that correct?

7 MR. CLAROS: That's correct.

8 MR. GONZALEZ: Now, today do, you want
9 an attorney today or would you like to proceed
10 without an attorney?

11 MR. CLAROS: I would like to proceed
12 without it.

13 MR. GONZALEZ: Okay. The situation here
14 is they had prior violations that go back to 2016,
15 2019. Now there's a new violation for two events
16 where they had issues with the camera. Obviously,
17 we know, everybody here knows the importance of
18 having cameras. As a result, he has taken care of
19 the cameras, corrected the situation. But we are
20 now, instead of recommending a 30 day suspension,
21 which was the original proposal, we propose a ten
22 day suspension. And he's explained if it's
23 granted, he would like to commence on January 30th
24 to February 8th. I know the police department
25 went there and made an inspection and they're up

1 to date now?

2 LIEUTENANT DUNLAY: That's correct.
3 Detective Ianaris went today to reinspect, and
4 also verify information they gave us at pretrial,
5 which there was no lies, he was completely honest,
6 and it was all verified today.

7 MR. GONZALEZ: So the recommendation
8 would be a ten day suspension commencing on
9 January 30th to February 8th.

10 MAYOR STACK: I'll make a motion to
11 approve the ten day suspension.

12 MS. ROSARIO: Motion made by Mayor
13 Stack.

14 COMMISSIONER FERNANDEZ: Second.

15 MS. ROSARIO: Second by Commissioner
16 Fernandez.

17 Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: Yes.

19 MS. ROSARIO: Commissioner Grullon.

20 COMMISSIONER GRULLON: Yes.

21 MS. ROSARIO: Commissioner Valdivia.

22 COMMISSIONER VALDIVIA: Yes.

23 MS. ROSARIO: Commissioner Martinetti.

24 COMMISSIONER MARTINETTI: Yes.

25 MS. ROSARIO: Mayor Stack.

1 MAYOR STACK: Yes. Thank you very much.

2 MR. CLAROS: Thank you.

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1 **3. Shriji II, LLC**
2 **T/a La Esperanza Grocery**
3 **800 New York Avenue**
4 **0910-43-203-005**

5
6 MR. GONZALEZ: The next matter is Shriji
7 II, LLC, trading as La Esperanza Grocery, 800 New
8 York Avenue. This matter --

9 MS. ROSARIO: Can you please state your
10 name for the record?

11 MR. KUNADIA: Sanjay Kunadia.

12 MS. ROSARIO: Can you please spell it?

13 MR. KUNADIA: Sanjay, S-A-N-J-A-Y.
14 Kunadia, K-U-N-A-D-I-A.

15
16 S A N J A Y K U N A D I A, after having been
17 duly sworn or affirmed, did testify as follows:

18
19 MR. GONZALEZ: Mr. Kunadia, you're here
20 today, but prior to coming today, you had an
21 opportunity to speak with me at the police
22 department; is that right?

23 MR. KUNADIA: Correct.

24 MR. GONZALEZ: And at that time, I made
25 you aware of what the charges were and advised you

1 if you wanted to get an attorney, you could; is
2 that correct?

3 MR. KUNADIA: Correct.

4 MR. GONZALEZ: And you did not want to
5 proceed with an attorney at that time, you wanted
6 to negotiate this yourself; is that right?

7 MR. KUNADIA: Correct.

8 MR. GONZALEZ: Now, we're here today, do
9 you want an attorney or would you like to proceed?

10 MR. KUNADIA: It's fine.

11 MR. GONZALEZ: Okay. We're now before
12 the board because at this location we have a
13 camera issue again. And the big problem that we
14 had here was that we made an inspection on
15 September 20, 2023, October 15, 2023, and we also
16 went October 6, 2023, and the cameras were not all
17 in compliance.

18 After the meeting, he advised us that he
19 had problems with a camera system, as a surge.
20 He's advised us that it's now working,
21 operational. We had an inspection done and I
22 believe it is in fact operational. As a result of
23 him now being in compliance -- but we did have to
24 go three times to do this -- there's a
25 recommendation of a suspension, instead of

1 60 days, which was the original, we agreed that we
2 would propose a 20 day suspension, if the board
3 approves it. And he would like that suspension to
4 commence on the 12th of February through
5 March 2nd, if it's in fact approved by this board.

6 MAYOR STACK: I was going to ask, so all
7 the cameras, are they working?

8 LIEUTENANT DUNLAY: The issue was
9 regarding one camera outside, where it kept
10 shutting off. The ordinance is very clear that it
11 has to capture all sides of the curbage of the
12 property and that was the ongoing issue. He
13 stated that it wasn't -- something with the cable,
14 which caused a malfunction, he fixed it again, it
15 caused a malfunction.

16 So it's obviously something that needed
17 to be corrected further, maybe with piping or
18 something to that effect, and that's what the
19 gentleman did today. It was inspected, it looks
20 good. The recommendation that we're making for
21 20 days is not to completely shut down, but rather
22 where he would not sell alcohol for 20 days, he
23 would turn in his license. And after those 20
24 days, he can resume with the liquor license. The
25 business is not primarily liquor sales, so that's

1 the reason why --

2 MAYOR STACK: What is the prior record
3 on the establishment?

4 LIEUTENANT DUNLAY: There was issues
5 with cameras and there was issues with selling
6 non-72 ounce, single beers. And some of them were
7 cool.

8 MAYOR STACK: Some were what?

9 LIEUTENANT DUNLAY: At that time, they
10 were being chilled, where it has to be a warm beer
11 license. There's never really been an issue.
12 After the matter was brought to the attention of
13 the police department, it has been corrected and
14 he's been a very good -- he's had a good license
15 where there's no issues and he's cooperative.

16 MAYOR STACK: Do you still sell single
17 beers?

18 MR. KUNADIA: No, only six pack.

19 MAYOR STACK: I was going to ask that
20 because that becomes a major with public drinking
21 on the street, with public drinking on the corner.
22 And I've known you -- I live only a block away.
23 I've always known you to be a good businessman. I
24 know you're there early, you're there late. I
25 know you put a lot of time in the establishment

1 yourself, that's why I'm asking. That would mean
2 a lot to the board that you not sell the single
3 beer, even if they're warm. We'd rather that not
4 take place.

5 LIEUTENANT DUNLAY: There's been no
6 issue with them regarding that. After the one
7 occurrence of that, he's been on the up and up
8 with that.

9 MAYOR STACK: You asked the post officer
10 that's assigned to the neighborhood?

11 LIEUTENANT DUNLAY: Yes.

12 MAYOR STACK: I mean you obviously know
13 we've had drugs in the area. We're trying to
14 clean up that area, that's why we ask for your
15 cooperation. Just always be cooperative with the
16 police when they need to see the cameras, anything
17 going on.

18 MR. KUNADIA: As Detective Dunlay said,
19 you can sell 72 ounce, so we do the three packs
20 with the tape on it. Three cans, we sell it
21 together like that.

22 MAYOR STACK: Okay. Being there's no
23 other problems with the license, would you have
24 any issue reducing it to 10 days?

25 MR. GONZALEZ: Absolutely not.

1 MAYOR STACK: Dave, would you have a
2 problem?

3 LIEUTENANT DUNLAY: No, absolutely not.
4 We're just following the guidelines. Like I said,
5 he's been very good.

6 MAYOR STACK: If he had other things on
7 his record, I would say keep it at 20, okay. All
8 right. I'll recommend a ten day suspension on
9 this, just make sure we have no other problems.

10 MR. KUNADIA: Thank you, thank you.

11 COMMISSIONER MARTINETTI: Second.

12 MS. ROSARIO: Motion to approve by Mayor
13 Stack, second by Commissioner Martinetti.

14 Commissioner Fernandez.

15 COMMISSIONER FERNANDEZ: Yes.

16 MS. ROSARIO: Commissioner Grullon.

17 COMMISSIONER GRULLON: Yes.

18 MS. ROSARIO: Commissioner Valdivia.

19 COMMISSIONER VALDIVIA: Yes.

20 MS. ROSARIO: Commissioner Martinetti.

21 COMMISSIONER MARTINETTI: Yes.

22 MS. ROSARIO: Mayor Stack.

23 MAYOR STACK: Yes. They can tell you,
24 it's not often that I reduce them, usually I look
25 for more. Because I know you cooperate in the

1 area, you run a good establishment, you don't have
2 people hanging out in front of it. That's why we
3 recognize that. Just do me a favor, anybody ever
4 comes in and gives a problem inside the
5 establishment, I know it's a grocery store, but
6 anything you see in the area, please call the
7 police right away.

8 MR. KUNADIA: Yes. Never have issues so
9 far.

10 MAYOR STACK: Thank you, Sanjay.

11 MR. KUNADIA: Thank you.

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1 **4. Jose Miguel Sanchez**
2 **T/a International Mini Market**
3 **425 8th Street**
4 **0910-43-023-013**

5
6 MR. GONZALEZ: And the last matter we
7 have is Jose Miguel Sanchez, trading as
8 International Mini Market, 425 8th Street. We'll
9 swear the interpreter first.

10 MR. AUTERI: Hello, sir, can you please
11 state your name for the record?

12 MR. MARTINEZ: Guillermo Martinez.

13
14 G U I L L E R M O M A R T I N E Z, an
15 interpreter of the SPANISH language, after having
16 been duly sworn or affirmed, did interpret the
17 following testimony:

18
19 MR. AUTERI: Thank you. We should also
20 do the gentleman.

21
22 J O S E M I G U E L S A N C H E Z, after
23 having been duly sworn or affirmed, did testify as
24 follows through the interpreter:

25

1 MS. ROSARIO: And his name?

2 MR. AUTERI: Your name, please, sir.

3 MR. SANCHEZ: Jose Miguel Sanchez.

4 MR. GONZALEZ: Mr. Sanchez, we're here
5 today, but prior to coming today, you met with me
6 at the police station; is that correct?

7 MR. SANCHEZ: Yes.

8 MR. GONZALEZ: At that time, I gave you
9 an opportunity if you wanted to get an attorney
10 and you told me you did not and you wanted to
11 proceed without one?

12 MR. SANCHEZ: No.

13 MR. GONZALEZ: No, you don't want to
14 proceed without an attorney?

15 MR. SANCHEZ: No.

16 MR. GONZALEZ: So you want the
17 opportunity to get a lawyer?

18 MR. SANCHEZ: I don't know because it
19 depends how the case goes.

20 MAYOR STACK: I would recommend that
21 maybe you speak to him for a few minutes and he
22 gets an attorney and we come back in two weeks.
23 Because he seems like -- I don't know if he fully
24 understands what his rights are.

25 MR. GONZALEZ: I agree. I'll explain it

1 to him.

2

3 (Discussion held off the record.)

4

5 MAYOR STACK: We're back on the record.

6 MR. GONZALEZ: Just so the record is
7 clear, I speak Spanish fluently. I had the chance
8 to speak to him. I specifically asked him if he
9 wanted an attorney, he said no. I will ask him
10 again.

11 Mr. Sanchez, do you want an attorney
12 today?

13 MR. SANCHEZ: No.

14 MAYOR STACK: Just explain to him if he
15 wants an attorney, we'll give him the opportunity
16 to get an attorney and we can return here in two
17 weeks.

18 MR. SANCHEZ: No, I want to solve this
19 today.

20 MAYOR STACK: Okay.

21 MR. GONZALEZ: And, Mr. Sanchez, you
22 understand that the recommendation that I proposed
23 is that for 50 days you cannot sell alcohol in
24 your store?

25 MR. SANCHEZ: Yes, I do.

1 MR. GONZALEZ: Knowing that, you still
2 wish to proceed?

3 MR. SANCHEZ: Yes. After the suspension
4 is finished, I would like to sell again.

5 MR. GONZALEZ: Okay. But you understand
6 that the recommendation is a 50 day suspension of
7 selling alcohol?

8 MR. SANCHEZ: Yes.

9 MR. GONZALEZ: Okay.

10 MAYOR STACK: Is it 50 or 15?

11 MR. GONZALEZ: Five zero.

12 MAYOR STACK: So just a question. What
13 exactly is the offense here?

14 MR. GONZALEZ: I will tell you that
15 right now. The situation that we've had here is
16 that this gentleman has been selling 12-ounce cans
17 of beer, has not been in compliance with what's
18 required.

19 MAYOR STACK: He's been selling 12 ounce
20 cans of beer and what?

21 MR. GONZALEZ: Not 72 ounces as
22 required.

23 MAYOR STACK: Okay.

24 MR. GONZALEZ: What we've done is we
25 know it's a big concern for the town. And, I

1 truly understand that. And what we've done with
2 the assistance of the police department is we had
3 a police officer enter and purchase the alcohol
4 that way, just to confirm not that somebody that's
5 telling us, but to in fact know that this is
6 what's going on. We're being proactive and
7 everybody here needs to know that this is going to
8 continue.

9 After we did that, the police went back,
10 returned, and we had it on the video. But we also
11 found the video was not in compliance also.

12 MAYOR STACK: Okay.

13 MR. GONZALEZ: So as a result of the
14 cumulative violations that he's had and the
15 situation that the single beers are creating a
16 problem here for the town, my recommendation
17 originally was 60 days, but because he's now in
18 compliance, it's the department's recommendation
19 that they would be amenable to a 50 day
20 suspension. Clearly, he can continue to selling
21 everything he's selling there, but he cannot
22 continue to sell single cans of beer, it creates a
23 problem for the community and the cameras must be
24 in compliance. And I believe we did a check.

25 LIEUTENANT DUNLAY: We did.

1 MR. GONZALEZ: An officer was there --

2 MAYOR STACK: I'm sorry, what are the
3 hours of operation?

4 LIEUTENANT DUNLAY: He closes at 11.

5 MAYOR STACK: Okay.

6 MR. GONZALEZ: It's a long day and
7 people coming in in the morning buying beer,
8 that's not good.

9 MAYOR STACK: Causes a major problem for
10 us.

11 MR. GONZALEZ: Based on that --

12 MAYOR STACK: He's had another violation
13 on this, right?

14 LIEUTENANT DUNLAY: In the beginning, it
15 was the camera ordinance and books and stuff like
16 that, books and paperwork.

17 MAYOR STACK: Never --

18 LIEUTENANT DUNLAY: So we had the area,
19 the downtown area was becoming an issue, so we
20 started the operation and --

21 MAYOR STACK: Keep that going.

22 LIEUTENANT DUNLAY: And it worked, so we
23 did the undercover operation.

24 MAYOR STACK: The other issue that I
25 have, just for his safety and for the business's

1 safety, is that the red van that's parked in front
2 of those doors doesn't give the police department
3 the view when they're passing by in the police car
4 to see the front door. That van never moves.

5 It's not good for his safety, his
6 employees, and his customers. You know what I'm
7 talking about, it's been for there like ten years.

8 LIEUTENANT DUNLAY: It's a storage
9 facility.

10 MR. SANCHEZ: What happens is that that
11 van is for business.

12 MAYOR STACK: Right, I understand, but
13 it never moves. And a loading zone is for loading
14 and unloading. Tell him we understand that it's a
15 struggle to run a business, but nowhere else in
16 Union City have we allowed somebody to keep a van
17 there for years. So we got to rectify that. He
18 could have the loading zone, but that van --
19 especially at nighttime that the police can't see
20 that people when you come out of the
21 establishments. That's why we make it so bright
22 with the lights so people could see.

23 That's a big issue. Please try to work
24 with us on that together, okay?

25 MR. SANCHEZ: Somebody park with a car

1 there, is that a problem as well?

2 MAYOR STACK: No. We have no problem if
3 they come in and out, if they're loading and
4 unloading. Tell him that I understand -- and I
5 see him there all the time, he's a hard working
6 guy. Just for their safety in the business.

7 MR. SANCHEZ: What I'm going to do is
8 I'll move the van. I will not park that van there
9 again.

10 MAYOR STACK: Just for their safety,
11 that's all.

12 MR. SANCHEZ: Okay, thank you.

13 MAYOR STACK: Any time.

14 MR. GONZALEZ: If the recommendation is
15 accepted, he would like the suspension to start
16 January 12th.

17 MAYOR STACK: He's 100 percent certain
18 he doesn't want to consult an attorney, right?

19 MR. SANCHEZ: No.

20 MAYOR STACK: Okay. I'll make a motion
21 to accept.

22 COMMISSIONER MARTINETTI: Second.

23 MS. ROSARIO: Motion made by Mayor
24 Stack, second by Commissioner Martinetti.

25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Yes.

2 MS. ROSARIO: Commissioner Grullon.

3 COMMISSIONER GRULLON: Yes.

4 MS. ROSARIO: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: Yes.

6 MS. ROSARIO: Commissioner Martinetti.

7 COMMISSIONER MARTINETTI: Yes.

8 MS. ROSARIO: Mayor Stack.

9 MAYOR STACK: Yes.

10 MR. GONZALEZ: Thank you. That

11 concludes all the ABC matters.

12 MAYOR STACK: Thank you. Thank you, Mr.

13 Sanchez.

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ADJOURNMENT :

MS. ROSARIO: May I have a motion to adjourn?

COMMISSIONER MARTINETTI: Motion.

MS. ROSARIO: Motion made by Commissioner Martinetti.

COMMISSIONER VALDIVIA: Second.

MS. ROSARIO: Second by Commissioner Valdivia.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes.

MS. ROSARIO: Commissioner Grullon.

COMMISSIONER GRULLON: Yes.

MS. ROSARIO: Commissioner Valdivia.

COMMISSIONER VALDIVIA: Yes.

MS. ROSARIO: Commissioner Martinetti.

COMMISSIONER MARTINETTI: Yes.

MS. ROSARIO: Mayor Stack.

MAYOR STACK: Yes.

(Whereupon the meeting was adjourned.)

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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Angelo Auteri, Esq.,

11

Corporation Counsel

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing transcript of the AUDIO RECORDED proceedings in their entirety, as taken stenographically by me, is a true and accurate transcript of the proceedings as recorded, and to the best of my ability.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700