MAY 1, 2019
REGULAR MEETING OF THE COUNCIL OF THE CITY OF NEW BRUNSWICK HELD
ON MAY 1, 2019 AT 6:30 P.M. IN COUNCIL CHAMBERS, CITY HALL

PUBLIC ANNOUNCEMENT

Please be advised that the notice requirements of the Open Public Meeting Act have been complied with and satisfied in the that the annual notice which gave sufficient notice of the time, place and conduct of all public meetings of the Municipal Council of the City of New Brunswick, has been filed by the City Clerk, has been placed on an appropriate bulletin board in the lobby of the City Hall, New Brunswick, New Jersey, and has been transmitted to the official Newspaper for the City of New Brunswick, namely the Home News Tribune; as provided in a resolution adopted by this governing body.

Salute to the Flag......................................................Shalon T. Bennett
Pause for a moment to honor those American, Iraqis, and Afghanis who have lost their lives in this current conflict.

Staff in attendance: Acting Planning Director Daniel Dominguez
Acting Water Utility Director Alexei Walus
Assistant City Administrator Brandon Goldberg
Assistant City Administrator Michael Drulis
Asst. City Engineer Tom Valenti
City Administrator Daniel A. Torrisi
City Attorney TK Shamy
City Clerk Leslie Zeledón
City Market Pam Stefanek
Community Organizer Keith Jones
Deputy City Clerk Shalon T. Bennett
Director of Public Works/ Engineering Tom Valenti
Finance Director Douglas Petix
Fire Dept. Cheryl Smith
Fire Director Robert Rawls
Fire Safety Dominic Quagliata
Mayor’s Office Ryan Berger
Police Capt JT Miller
Police Sgt. Scott Gould
Public Information Officer Jennifer Bradshaw
Social Services Director Melanie Daniels Ford
Water Director Alexei Walus
Water Utility Kouao Eric Ekoue
Water Utility Willie Weaver
Youth Services Supervisor Ivan Adorno

On motion of Council Member Egan, seconded by Council Member Escobar and carried, the minutes of the previous Council Meetings held on April 3, 2019 were approved and adopted as engrossed.

Meeting called to order by Council President Anderson with Council Members Egan, Escobar, Fleming, Sicora Ludwig present.

PUBLIC HEARING

O-041904 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK

Council President Anderson opened the Public Hearing on the above ordinance.
Public Comment: None
On a motion of Council Member Egan, seconded by Council Member Escobar, and carried, the above ordinance was adopted on Final Reading on May 1, 2019.
Roll Call:

Aye: Egan, Escobar, Fleming, Sicora Ludwig, Anderson
Nay:
Abstain:
Motion carried.

O-041905


Council President Anderson opened the Public Hearing on the above ordinance.

Public Comment: Danielle Moore inquired about the ordinance. Tom Valenti responded.

On a motion of Council Member Egan, seconded by Council Member Fleming, and carried, the above ordinance was adopted on Final Reading on May 1, 2019.

Roll Call:

Aye: Egan, Escobar, Fleming, Sicora Ludwig, Anderson
Nay:
Abstain:
Motion carried.

O-041906

AN ORDINANCE AUTHORIZING THE ACQUISITION OF ABANDONED PROPERTIES BY EXERCISE OF THE POWER OF EMINENT DOMAIN

Council President Anderson opened the Public Hearing on the above ordinance.

Public Comment: Charlie Kratovil inquired about the ordinance. TK Shamy responded. Mr. Scott asked question in regards to the ordinance and possibilities with the properties. TK Shamy responded.

On a motion of Council Member Egan, seconded by Council Member Fleming, and carried, the above ordinance was adopted on Final Reading on May 1, 2019.

Roll Call:

Aye: Egan, Escobar, Fleming, Sicora Ludwig, Anderson
Nay:
Abstain:
Motion carried.

INTRODUCTION OF ORDINANCES

None.

COMMUNICATIONS

1. A correspondence letter from Kleinfelder to amend and supplement the Response Action Outcomes dated November 15, 2017 in regards to 1200 Somerset St.
2. A letter from Saxum Real Estate in regards to an address change.
3. A letter from the NJDOT in regards to a Public Information Center being held on Tuesday, May 7, 2019 at City Hall Council Chambers from 6-8pm.
4. A letter from the Township of Franklin in regards to amending Ordinance Nos. 4271-19.
RESOLUTIONS

Public Comment: Mr. Kratovil inquired about R-051916, R-051926, R-051931. Mr. Shamy and Mr. Dominguez responded.

Resolutions R-051901 through R-051933, moved by Council Member Egan, seconded by Council Member Fleming and carried were adopted, on consent, by the Municipal Council.

Roll Call:
- Aye: Egan, Escobar, Fleming, Sicora Ludwig, Anderson
- Nay:
- Abstain:
- Motion carried.
CP Anderson opened the public hearing. Mr. Shamy spoke in regards to the ABC charges against Mi Tierra Bar. Michael B. Roberts, attorney for Mi Tierra Bar, asked for adjournment to have additional time to review the voluminous discovery. Mr. Roberts mentioned the last item of discovery was received on April 24th. CP Anderson asked Mr. Shamy to speak on the case. Mr. Shamy explained the importance of a liquor license establishment and how it’s a privilege and highly regulated license by the City and ABC. Mr. Shamy gave a synopsis of the history of the liquor license and its conditions. In 2016 Mi Tierra asked to relax the conditions of hiring a uniformed police officer, where then a private security company would have to be hired and remains until this day. The Council gave the licensee the benefit of the doubt. Mr. Shamy gave out a document labeled C1 for the April 1st preliminary charges. The charges began from October 12, 2018 until January 1, 2019. Officers to testify. October 2018 there was a raid at the license establishment finding controlled dangerous substances sold by security not by patrons. On December 1st 2018, police responded to call from a patron who was struck by a security guard, who required medical attention. On December 31st into January 1, 2019 police were called to respond to the scene, a patron said he was assaulted and sprayed with OC spray by a security guard. Also, the licensee was required to provide security and he did not on that night, which violated the conditions. Mr. Roberts spoke in behalf of the owner of the liquor license. He explained how serious he takes charges. Mr. Pirian Sivakumar has been the owner of the bar for 25 years. But he feels the charges are exaggerated, unbounded and inappropriate. Mr. Roberts said Mr. Sivakumar has been in compliance and has had order in the bar. He explained the patrons were unruly and security was trying to protect the other patrons. Mr. Sivakumar replaced the security who has had problems on two occasions. Mr. Roberts feels revocation is unwarranted and inappropriate. Witness PO Trivesh spoke in regards to the incident of December 1st. PO Trivesh dealt with Mr. Mata the victim who was struck by Mr. Poras, who was the security guard. Mr. Mata has blood all over his head and face and stated the bouncer shoved him and then hit him with a flashlight to the head. Mr. Poras said the patron was in the bar since the opening of the bar and was very intoxicated trying to solicit altercations with other patrons, so then he tried to escort him out, when then Mr. Mata hit him with a closed fist, which led to Mr. Poras hitting him with the flashlight. Mr Roberts asked PO Trivesh if the patron seemed intoxicated and slurring speech. PO Trivesh responded yes. Mr. Roberts asked if the wound was superficial and PO Trivesh responded yes. Mr. Shamy asked PO Trivesh a few questions on how officers would to act with unruly patrons, PO Trivesh responded. Mr. Roberts asked PO Trivesh would he react with force if he was hit as well. Witness PO Hammon was called by Mr. Shamy. PO Hammon responded to a call on January 1, 2019 from a patron who was in an altercation with a security guard and sprayed in the face with OC spray. When PO Hammon met with the patron, Antoniio Lopez, Mr. Lopez said he was sitting at the bar when he was sprayed and hit for no reason by Mr. Poras, the security guard. The security guard was arrested for aggravated assault. Mr. Poras explained he was trying to break up a fight with Mr. Lopez and two other individuals. Mr. Roberts asked PO Hammon did he have the opportunity to interview the other individuals, PO Hamman responded no. Mr. Roberts explained the charge was downgraded. The third witness, Rodney Blount, who owns a private security firm was called up by Mr. Shamy. Mr. Blount worked for the license establishment for about 9 months. Mr. Shamy asked Mr. Blount has he even been presented with the resolution with conditions for the establishment, Mr. Blount said no but the owner explained the conditions to him. Mr. Blount said he normally would deal with the Manager, Maria. For the night of New Years Eve, Ms. Maria said she did not need security and that Mi Tierra would not be open. Mr. Shamy asked was there a point and time where he learned the bar actually was open, Mr. Blount said yes, I was notified the establishment was open and there was no visible security. Mr. Shamy showed a document showing a report from Mr. Blount indicated he was advised there was no need for security. Mr. Shamy expressed his appreciation to Mr. Blount for testifying, Mr. Blount said he wants to stay in compliance with the City and the business. Mr. Roberts asked Mr. Blount is his work inside and outside or only inside. Mr. Blount said only one security guard it to be place by his company, outside of the establishment. If there is an incident, the security is told to call NBPD via cell phone. Mr. Roberts described the resolution (document P2) with the conditions that was in placed for the Mi Tierra Bar. The resolution according to Mr. Roberts states there is a need for security at the premises Friday, Saturday and Sunday from the hours of 10pm to 2:30am., December 31st was a Monday night. Mr. Roberts asked Mr. Blount is there is anything Mr. Blount can point to
indicating security was needed for special events and New Years day, Mr. Blount responded no. Mr. Shamy agreed with Mr. Roberts and Council Members for the continuation of the hearing for the charges be held on June 5, 2019.

On a motion of Council Member Escobar, seconded by Council Member Egan, and carried, setting a hearing date to conclude the matter on ABC charges to be on June 5, 2019.

Roll Call:
Aye: Anderson, Egan, Fleming, Garlatti, Escobar
Nay: 
Abstain: 
Motion carried.

NEW BUSINESS

Mr. Jeffrey Horowitz of 16 Laurel Place spoke in regards to handicap parking and the New Brunswick Authority. Mr. Kratovil asked the Council about impeaching the President. He also spoke on a recent accident on Livingston Avenue and wanted to know what is being done in regards to Livingston Avenue for pedestrian safety. Mr. Valenti responded the City was waiting on the final approval from the state and federal government. Mr. Kratovil expressed how he feels about the NBPA and asked about a contract with the Board of Education for Solar Panels. Mr. Shamy responded. Ms. Moore spoke about deer crossing, pedestrian safety and flashing lights for pedestrians. Teresa Vivar thanked the Council for approving a resolution. Ms. Vivar would like to collaborate with the Council on helping residents. She mentioned residents are having issues with rodents and insects and that there is a need for a community center. Mr. Jones responded there are programs and centers available to residents.

Leslie R. Zeledón
City Clerk

John Anderson
Council President