

COMMUNICATIONS - COUNCIL MEETING July 17, 2019

Communications received from the following:

1. A letter from the NJDEP in regards to a One 1000-gallon #2 Heating Oil Underground Storage Tank System at 103 Easton Avenue.
2. A letter from the City of New Brunswick Office of the City Attorney in regards to Pirsiv Inc. d/b/a MiTierra Bar and Restaurant Liquor License No. 1214-33-047-005.
3. A letter from members of the Mercado Esperanza in regards to the Cinco de Mayo event.

The correspondence will be forwarded to the appropriate departments for further action.

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State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Unregulated Heating Oil Tank Program
Mail Code 401-05
P.O. Box 420
Trenton, NJ 08625-0420
Phone #: 609-633-0544
Fax #: 609-984-6514

July 9, 2019

103 Easton Avenue LLC
C/O Diana Morgan Tracey, Owner
PO Box 703
Milltown, NJ 08850

Re: Area of Concern: One 1000-gallon #2 Heating Oil Underground Storage Tank System
Unrestricted Use - No Further Action Letter and Covenant Not to Sue
Block 55, Lot 14.01
103 Easton Avenue
New Brunswick City, Middlesex County
Program Interest #:810644, Activity Number: CSP190001
Communications Center Number: 09-09-02-1412-02

Dear: Diana Morgan Tracey,

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the area of concern specifically referenced above, except as noted below, so long as 103 Easton Avenue LLC did not withhold any information from the Department. This action is based upon information in the Department's case file and 103 Easton Avenue LLC's final certified report dated May 7, 2010. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Remedial Investigation and Remedial Action pursuant to the Heating Oil Tank System Remediation Rules (N.J.A.C.7:26F) for the area of concern specifically referenced above and no other areas.

NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination pursuant to N.J.S.A. 58:10B-12o, 103 Easton Avenue LLC and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Act, shall inform the Department in writing within 14 calendar days whenever your name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Site Remediation Program, P.O. Box 420, Trenton, NJ 08625.

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By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.1 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Conditional No Further Action Letter.

Thank you for your attention to these matters. If you have any questions, please contact Kristine Iazzetta at (609)777-0376.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yacoub Yacoub', written in a cursive style.

Yacoub Yacoub, Bureau Chief
Unregulated Heating Oil Tank Program

c: Municipal Clerk, New Brunswick City
Castlton Environmental Contractors, LLC
Middlesex County Office of Health Services

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- Council
- R. DeGraw

File

OFFICE OF THE CITY ATTORNEY
THE CITY OF NEW BRUNSWICK
CITY HALL – 78 BAYARD STREET, NEW BRUNSWICK, NJ 08903
PHONE NUMBER: 732-745-5025
FACSIMILE NUMBER: 732-745-5135

T.K. SHAMY
CITY ATTORNEY

ASSISTANT CITY ATTORNEY

CHARLY GAYDEN
JOSEPH J. CATANESE

SPECIAL COUNSEL

WILLIAM J. HAMILTON, JR.



MUNICIPAL PROSECUTORS

ROBERT H. GOODWIN
ROBERT M. ADOCHIO
MARK CINTRON

July 11, 20019

James Graziano, Acting Director
New Jersey Division of Alcoholic Beverage Control
140 East Front Street, 5th Floor
P.O. Box 087
Trenton, New Jersey 08625-0087

RE: In the Matter of Pirsiv Inc d/b/a MiTierra Bar and Restaurant
VS: New Brunswick City Council
Liquor License No. 1214-33-047-005

Dear Director Graziano:

Enclosed herewith please find original and two copies of Answer to Notice and Petition of Appeal and Request for Stay of License Revocation submitted on behalf of the Respondent, New Brunswick City Council, relative to the above noted matter. Kindly place same on file, returning a "filed" copy in the envelope provided.

By way of copy of this letter, a copy of said Answer is being forwarded to Michael Roberts, Esquire, attorney for the Appellant

Very truly yours,

T. K. SHAMY,
CITY ATTORNEY

TKS:lp
Enclosures
VIA OVERNIGHT MAILING
Cc: Michael Roberts, Esquire, w/enclosures
✓ Cc: City Clerk, City of New Brunswick

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**T. K. SHAMY, ESQUIRE #02457198
NEW BRUNSWICK CITY ATTORNEY
78 BAYARD STREET
NEW BRUNSWICK, NEW JERSEY 08901
(732) 745-5025
Attorney(s) for Defendant,
City of New Brunswick**

PIRSIV INC. DBA MI TIERRA
BAR AND RESTAURANT

Appellant

vs.

NEW BRUNSWICK CITY
COUNCIL

Respondent

: STATE OF NEW JERSEY
: DEPARTMENT OF LAW AND
: PUBLIC SAFETY
: DIVISION OF ALCHOLIC
: BEVERAGE CONTROL
:
:
: LICENSE NO. 1214-33-047-005
:
: **ANSWER TO NOTICE
: AND PETITION OF APPEAL
: AND REQUEST FOR STAY
: OF LICENSE REVOCATION**

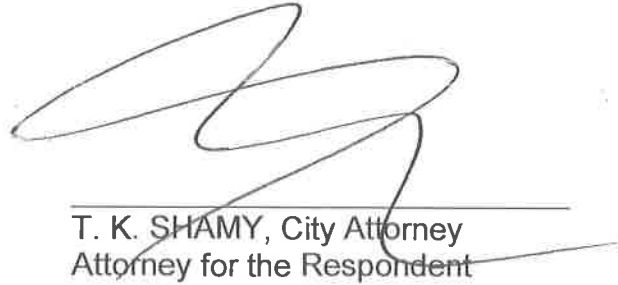
The Respondent, The City of New Brunswick, by way of Answer to the Appellant's Notice and Petition of Appeal and Request for Stay, states as follows:

1. The Respondent denies that the City of New Brunswick City Council's action was improper.

2. The Respondent City of New Brunswick objects to any stay of the revocation of the Plenary Retail Consumption license 1214-33-047-005 as set forth in the Resolution indexed in Appellant's Brief and is known as Resolution R-061934 and seeks an opportunity to be heard before the Director regarding any consideration by the Director of staying the revocation of the liquor license pending appeal.

WHEREFORE, the Respondent, City New Brunswick, seeks dismissal of the Appellant's Notice and Petition of Appeal and Request for Stay and that the actions of the City of New Brunswick City Council revoking Liquor License No. 1214-33-047-005 on June 5, 2019 and as set forth in City Council Resolution R-061934 be upheld.

Dated: July 10, 2019



T. K. SHAMY, City Attorney
Attorney for the Respondent

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Council
J. Catanese
TK Shamy
D. Tomise

July 17, 2019

Dear members of the New Brunswick City Council,

We learned that the Council is discussing the Cinco de Mayo event organized by Lazos America Unida in Joyce Kilmer Park on May 4, 2019. The three of us participated as food vendors at the event. We would like to share our account of our interactions as vendors with Lazos and its director, Teresa Vivar.

None of us ever filled out, signed, or reviewed a Food Handler License application or any other City paperwork with anyone from Lazos. We only paid a cash fee directly to Teresa Vivar to participate.

All of us also participate as vendors in the Mercado Esperanza events organized by Elijah's Promise and its partners. For the Mercado events, we always use the Elijah's Promise licensed kitchen to prepare our food. However, none of us ever specified to anyone from Lazos that we had permission to use the Elijah's Promise kitchen to prepare food for the Cinco de Mayo event.

(español)

Estimados miembros del Concejo Municipal de New Brunswick,

Nos enteramos de que el Consejo está discutiendo el evento del Cinco de Mayo organizado por Lazos America Unida en el parque Joyce Kilmer el 4 de mayo de 2019. Los tres participamos como vendedores de comida en el evento. Nos gustaría compartir nuestra perspectiva de nuestras interacciones como vendedores con Lazos y su directora, Teresa Vivar.

Ninguno de nosotros completó, firmó o revisó una aplicación de licencia de vendedor de comida o cualquier otro documento de la Ciudad con alguien de Lazos. Solo pagamos una cuota en efectivo directamente a Teresa Vivar para participar.

Todos nosotros también participamos como vendedores de comida en los eventos del Mercado Esperanza organizados por Elijah's Promise y sus socios. Para los eventos del Mercado, siempre usamos la cocina comercial de Elijah's Promise para preparar nuestra comida. Sin embargo, ninguno de nosotros especificó a nadie de Lazos que teníamos permiso para usar la cocina de Elijah's Promise para preparar la comida para el evento del Cinco de Mayo.

Sincerely/Atentamente,

Gaudencio Ferrer
Angelica Osorio
Sara Vidal

Cc: Leslie Zeledon, City Clerk
TK Shamy, City Attorney

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