

REGULAR MEETING

OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON THURSDAY, JANUARY 28, 2010.

The Board met at 7:13 P.M.

The Board Secretary called the roll.

Present were: Board Member Donna Marie James and Chairman H. Mickey McCabe
Absent was: Board Member Patrick Colasurdo

The Chairman announced, "I would like to advise all those present that notice of this Regular Meeting of the Alcoholic Beverage Control Board of the City of Bayonne of January 28, 2010 has been provided to the public in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey. Notice of time and place has been posted and filed with the City Clerk and was forwarded to the Jersey Journal and the Star Ledger by fax and regular mail on January 22, 2010."

The board secretary led the Pledge of Allegiance to the Flag.

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01. The board secretary announced that this was the time and place scheduled for the hearing of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-090-004, issued to Sal Vi, Inc. t/a Pat's Tavern for premises located at 378 Avenue C.

Davis L. Epstein, Esq., of the firm of Post Polak Goodsell MacNeill & Strauchler, PA, Roseland, NJ, appeared for the licensee.
Susan Ferraro, Esq., Municipal Prosecutor, appeared for the Chief of Police

Mr. Epstein entered a plea of guilty to the charges and requested mitigation of the expected suspension and cited reasons for his request.

Chairman McCabe moved that the following Resolution and Order be adopted, seconded by Board Member James, which motion was adopted.

ALCOHOLIC BEVERAGE CONTROL BOARD

OF THE CITY OF BAYONNE

In the matter of the proceedings to	} RESOLUTION AND ORDER
discipline Plenary Retail Consumption	
License No. 0901-33-090-004, issued to	
Sal Vi, Inc. t/a Pat's Tavern for premises	
located at 378 Avenue C, Bayonne, New Jersey	

Notice having been duly served upon Vito Colasurdo, President of Sal Vi, Inc., holder of Plenary Retail Consumption License No. 0901- 33-090-004 that certain charges therein set forth had been preferred against it and that a hearing thereon would be held at the time and place specified in the notice, and the said Licensee, having entered a plea of guilty through its attorney, David L. Epstein, Esq., to certain of the charges, on the specific condition that the licensee waives its right to an appeal and will not appeal and further waives its right to apply for a conversion of any suspension imposed to a monetary penalty;

IT IS THEREFORE, on this 28th day of January, 2010, on motion duly made and seconded

RESOLVED AND ORDERED, that the said Licensee, be and is hereby determined to be found guilty of the charges of violations of:

N.J.S.A. 13:2-23.1(b) – Prohibition against serving persons
under the legal age and intoxicated persons.

City Ordinance 6-5.6 – Sale of certain persons (Intoxicated); and be it further

RESOLVED AND ORDERED, that the license of the said Sal Vi, Inc. t/a Pat's Tavern, heretofore issued by the Municipal Council of the City of Bayonne be suspended for thirty (30) days, with fifteen (15) days remitted in consideration of the plea of guilty, for a total suspension of fifteen (15) days, effective from 3:00 A.M. Monday, the 8th day of February, 2010, to 6:00 A.M. Wednesday, the 23rd day of February, 2010, both dates inclusive.

Ayes - Board Member James, and Chairman McCabe.

Absent - Board Member Colasurdo

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02. Chairman McCabe moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

WHEREAS, FA MACKENZIE POST 165, AMERICAN LEGION HOLDING CORP., holder of Plenary Retail Consumption License No. 0901-33-001-001, which has been inactive for more than two years has made application to and received from the Director of the Division of Alcoholic Beverage Control, a SPECIAL RULING TO PERMIT

THE FILING OF RENEWAL APPLICATION OF AN INACTIVE LICENSE FOR THE 2008-2009 and 2009-2010 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said FA Mackenzie Post 165, American Legion Holding Corp., has made application for the renewal of the aforesaid license for the 2008-2009 and 2009-2010 license terms, and has paid the appropriate fees and satisfied all other requirements for renewal; now therefore, be it

RESOLVED, that the renewal of Plenary Retail Consumption License No. 0901-33-001-001 for the periods commencing July 1, 2008 through June 30, 2009 and July 1, 2009 through June 30, 2010, be granted.

Ayes - Board Member James, and Chairman McCabe.
Absent - Board Member Colasurdo

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03. Chairman McCabe moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

WHEREAS, Brinker New Jersey Inc., holder of Plenary Retail Consumption License No. 0901-33-072-003, which has been inactive for more than two years has made application to and received from the Director of the Division of Alcoholic Beverage Control, a SPECIAL RULING TO PERMIT THE FILING OF RENEWAL APPLICATION OF AN INACTIVE LICENSE FOR THE 2009-2010 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Brinker New Jersey, Inc., has made application for the renewal of the aforesaid license for the 2009-2010 license term, and has paid the appropriate fees and satisfied all other requirements for renewal; now therefore, be it

RESOLVED, that the renewal of Plenary Retail Consumption License No. 0901-33-072-003 for the period commencing July 1, 2009 through June 30, 2010, be granted.

Ayes - Board Member James, and Chairman McCabe.
Absent - Board Member Colasurdo

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04. Chairman McCabe moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

BE IT RESOLVED, that the official minutes of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, December 10, 2009, be and the same are hereby approved.

Ayes - Board Member James, and Chairman McCabe.

Absent - Board Member Colasurdo

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At 7:37 P.M., Chairman McCabe moved to adjourn, seconded by Board Member James, which motion was adopted.

Ayes - Board Member James, and Chairman McCabe.

Absent - Board Member Colasurdo

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary