

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, APRIL 29, 2010.

The Board met at 7:34 P.M.

The Board Secretary called the roll.

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

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 April 29, 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 April 23, 2010."

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

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

WHEREAS, by Resolution No. 09-12-10-003 this board approved the renewal of Plenary Retail Consumption License No. 0901-33-071-004, held by John's Midtown Tavern for premises located at 347 Avenue E, Bayonne, NJ; and

WHEREAS, the board has been advised by the State of New Jersey, Division of Alcoholic Beverage Control that said renewal be rescinded under the provision of N.J.S.A. 33:1-12.18; now, therefore, be it

RESOLVED, Resolution No. 09-12-10-003, adopted December 10, 2009 granted the renewal of Plenary Retail Consumption License No. 0901-33-071-003 held by John's Midtown Tavern for premises located 347 Avenue E, Bayonne, NJ, be and the same is hereby rescinded; and be it further

RESOLVED, that the effective date of this resolution is April 29, 2010, nunc pro tunc.

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

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

WHEREAS, NEW ELCO MARINA, INC., holder of Plenary Retail Consumption License No. 0901-33-104-006, 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 New Elco Marina, Inc., 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. 0901-33-104-006 for the periods commencing July 1, 2008 through June 30, 2009 and July 1, 2009 through June 30, 2010, be granted.

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

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

WHEREAS, Piccola Venecia Ristorante, LLC t/a Nuovo Venezia Ristorante with corporate offices located 392 Broadway, Bayonne, in the State of New Jersey, has made application for the transfer to it of Plenary Retail Consumption License No. 0901-33-111-007, now held by Outback/Metropolis-I Limited Partnership, (inactive) Bayonne, New Jersey, and there being no good cause why the said transfer should not be allowed; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business, and all additional financing obtained in connection with the licensed business; and

WHEREAS, a tax clearance certificate issued by the New Jersey Division of Taxation has been received in connection with this application; now, therefore, be it

RESOLVED, That Plenary Retail Consumption License No. 0901-33-111-007 above described, be and is hereby transferred from Outback/Metropolis-I Limited

Partnership (inactive), the present holder of the same, to Piccola Venecia Ristorante, LLC t/a Nuovo Venezia Ristorante with corporate offices located 392 Broadway, Bayonne, in the State of New Jersey; and be it further

RESOLVED, That the Board Secretary be and is hereby authorized and directed to execute the endorsement of this person to person and place to place transfer herein made, upon the said license on behalf of the Alcoholic Beverage Control Board; and be it further

RESOLVED, That the effective date of the said transfer is April 30, 2010.

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

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

WHEREAS, Briad Restaurant Group, Inc. t/a TGI's Fridays, Inc, with corporate offices located at 78 Okner Parkway, Livingston, State of New Jersey, has made application for the transfer to it of Plenary Retail Consumption License No. 0901-33-023-003, now held by Soup Jack Inc. (Inactive), and there being no good cause why the said transfer should not be allowed; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business, and all additional financing obtained in connection with the licensed business; and

WHEREAS, a tax clearance certificate issued by the New Jersey Division of Taxation has been received in connection with this application; now, therefore, be it

RESOLVED, that Plenary Retail Consumption License No. 0901-33-023-003, above described, be and is hereby transferred from Soup Jack, Inc., the present holder of the same, to Briad Restaurant Group Inc. t/a TGI's Fridays, Inc.; and be it further

RESOLVED, that the Board Secretary be and is hereby authorized and directed to execute the endorsement of the transfer herein made, upon the said license on behalf of the Alcoholic Beverage Control Board; and be it further

RESOLVED, that the effective date of the said transfer is April 30, 2010.

Ayes - Board Member Colasurdo and Chairman McCabe.

Absent – Board Member James

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05. Chairman McCabe moved that the following disciplinary charges be received and filed and that the resolution following them be adopted, seconded by Board Member Colasurdo, which motion was adopted.

April 14, 2010

Alcoholic Beverage Control Board
Municipal Building
630 Avenue C
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against Pride of the Elks, Lodge Number 461 IBPOE of W. Elks located at 92 West 20th Street, Bayonne, N.J., and holder of Club Liquor License Number 0901-33-159-002.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

13:2-23.6(a)2 – Prohibition against immoral activities; disturbance; nuisance on premises

No licensee shall engage in or allow, permit or suffer on or about the licensed premise: any brawl, act of violence, disturbance, or unnecessary noise.

13:2-23.6(b) – Prohibition against immoral activities; disturbance; nuisance on premises.

Every license shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance.

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

/s/ Robert Kubert
Chief of Police
City of Bayonne

Synopsis of Case

License: Club Liquor License
Number: 0901-31-159-002
Owners: Pride of the Elks, Lodge Number 461 IBPOE of W Elks
T/A: Pride of the Elks, Lodge Number 461 IBPOE of W Elks
Location: 92 West 20th Street, Bayonne, NJ

Registered agent:

Persons Involved: Police: Detective Timothy Donaway #236
P.O. Mathew Canella #252
P.O. Robert Vargas #139
P.O. Howard Gordon #129

Patrons: N/A
Bartender: N/A

Complaining Officer: Detective Timothy Donaway #236

A.B.C. Supervisor: Sergeant Kevin Gallagher #S31

Violations: 13:2-23.6(a) 2b – Prohibition against immoral activities;
Disturbance; nuisance on premises
(a) No licensee shall engage in or allow, permit or Suffer in or upon the licensed premises;
2. Any brawl, act of violence, disturbance, or unnecessary noise.
(b) Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare.

City Ordinance 6-5.6 –Sale to Certain Person (Intoxicated)

No licensee or employee of a license shall sell, serve or deliver directly or indirectly, any alcoholic beverage to any intoxicated person or person under the legal age, nor permit the consumption of alcoholic beverage on any of the above names classes of person or permit any

such persons to congregate in or about the license premises.

Synopsis of incident one:

02/27/2010 Bayonne Police File #2010-14456

P.O. Howard Gordon responded to the Bayonne Hospital to investigate an aggravated assault that has occurred at the Pride of the Elks, Lodge Number 461 IBPOE of W. Elks, located at 92 West 20th Street. P.O. Gordon spoke to the victim, Julian Wilson, who stated that while at the Elks Club he attempted to break up a fight between two people and was subsequently stabbed in the abdomen. The victim transported himself to the emergency room to seek treatment for a non-life threatening injury. The victim was uncooperative to investigating police personnel.

Synopsis of incident two:

03/20/2010 Bayonne Police File 2010-19804

Detective Donaway along with P.O.'s Canella and Vargas responded to the Pride of the Elks, Lodge Number 461 IBPOE OF W Elks, located at 92 West 20th Street on a report of a fight. Upon arrival a large unruly group was observed arguing. The group was ordered to disperse. As the group was dispersing an extremely intoxicated male identified as Donnell R. Williams returned to the scene. During this time several patrons of the Elk's Club advised as that Williams was also a patron inside the club where he was involved in several verbal arguments and provoking fights with patrons. Williams was belligerent, yelling and causing a disturbance. After refusing orders to disperse he was advised that he was under arrest. While affecting the arrest of Williams he violently resisted arrest by flailing his arms and kicking at the arresting officers. The actor was eventually subdued and transported to Headquarters. Williams was also subsequently charged with possession of marijuana.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby receives and files disciplinary charges preferred by the Chief of Police against Pride of Bayonne, Lodge A#461, IBPOE of W. Elks, holder of Club License No. 0901- 31-159-002, for premises located at 92 West 20th Street , Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, May 27, 2010 , at 7:00 P.M. and the Council Chambers, or the Municipal Court Room, Municipal Building, 630 Avenue C, Bayonne, NJ, as the time and place when and where the Board will meet to hear and consider such charges; and be it further

RESOLVED, that the Board Secretary be and is hereby directed to notify the licensee to show cause why the license should not be suspended or revoked.

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

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

BE IT RESOLVED, that the official minutes of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, January 28, 2009, be and the same are hereby approved.

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

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At 7:30 P.M., Chairman McCabe moved to adjourn, seconded by Board Member Colasurdo, which motion was adopted.

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

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary