

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, MAY 27, 2010.

The Board met at 7:00 P.M.

The Board Secretary called the roll.

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

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 May 27, 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 May 21, 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 set by resolution of the Board for the hearing of disciplinary charges filed by the Chief of Police against the Pride of the Elks, Lodge Number 461 IBPOE of W. Elks located at 92 West 20th Street, Bayonne, N.J., holder of Club Liquor License Number 0901-33-159-002. The club was charged with violations of NJAC 13:2-23.6(a)2 – Prohibition against immoral activities; disturbance; nuisance on premises, and NJAC 13:2-23.6(b) – Prohibition against immoral activities; disturbance; nuisance on premises.

Chris Allen, Exalted Ruler of the Elks Lodge appeared on behalf of the club. After a lengthy discussion, Chairman McCabe moved to dismiss the charges after issuing a strong warning against further conduct such as that which gave rise to the filing of these charges. Commissioner James seconded the motion, which was adopted.

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

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

WHEREAS, John's Midtown Tavern, Inc., holder of Plenary Retail Consumption License No. 0901-33-071-004, for premises located at 347 Avenue E, Bayonne, NJ,

had been approved for renewal of its license for the license term commencing July 1, 2009 through June 30, 2010 by resolution adopted December 10, 2009; and

WHEREAS, subsequent thereto, the Alcoholic Beverage Control Board was notified by the New Jersey Division of Alcoholic Beverage Control that the said renewal must be rescinded under the provision of N.J.S.A. 33:1-12.13, which the board did rescind by resolution adopted April 29, 2010; and

WHEREAS, by Order dated May 13, 2010, the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, has granted the licensee's motion to reconsider the Consent Order dated May 13, 2010 and extended its terms until June 30, 2010, and has authorized this board to consider renewal of the said license for the 2009-2010 license terms; and

WHEREAS, the Alcoholic Beverage Control Board has considered the licensee's application for renewal, and the licensee has paid the annual renewal fees and filed the necessary application; now, therefore be it

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2009 through June 30, 2010, be granted to the following licensee:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-33-071-004	John's Midtown Tavern, Inc. t/a John's Midtown Tavern	347 Avenue

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

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03. Board Member James 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.

May 5, 2010

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

Dear Commissioners,

Attached hereto is a synopsis of a case against Liquid Lounge located at 269 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-054-002.

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

N.J.S.A. 33:1-31.h – Sale in violation of A.B.C. Control Act (Unlicensed Employee)
N.J.A.C. 13:2-23.6(a)2 – Prohibition Against Immoral Activities;
Disturbance; Nuisance on Premise
6-6.2- Work Permit

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

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Synopsis of Case

License: Plenary Retail Consumption License
Number: 0901-33-054-002
Owners: Batory Corporation
T/A: Liquid Lounge
Location: 269 Broadway, Bayonne, NJ

Registered agent: Robert Bator
32 West 3rd Street
Bayonne, NJ 07002

Persons Involved: Police Sergeant Kevin Gallagher #31

Patrons: N/A

Bartender: Bruce Piechocki (unlicensed)

Complaining Officer: Sergeant Kevin Gallagher 331

A.B.C. Supervisor: Lieutenant Jeremy Sullivan

Violations: N.J.S.A. 33:1-31h – Violation of City Ordinances.
h. Any violation of any ordinance, resolution of any other
issuing authority or governing board or body.

6-6.2 – Work Permit Required for Employment

All persons employed by any Retail Consumption, Club or Retail Distribution licensee shall obtain a work permit issued by the Department of Law Enforcement before commencing employment. Application for such work permit shall be made in person to the A.B.C. Bureau of the Police Department. Licensees and their employees shall be bound by the following rules and regulations:

- a. Every license, agent, bartender, waiter, waitress or other employee shall make full and complete answers on prescribed forms furnished by the Department of Law Enforcement.

13:2-23.6(a) 2 – 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.

Synopsis of incident one:

05/02/2010 02:01 hrs. and 02:38 hrs.

On May 2, 2010 at 02:01 hrs. Sergeant Kevin Gallagher observed a large group of people, in excess of forty, congregating on the sidewalk and in the street in front of Liquid, 269 Broadway. The group was very loud shouting expletives at one another and at passerby's. As Sgt. Gallagher drove by in his unmarked car, this group began shouting at him, "Fuck the police" and "What are you gonna do". Mr. Charles Carangelo 3rd, the manager of Liquid, was inform of the situation and of the need to correct it by Sgt. Gallagher. While Sgt. Gallagher was informing Mr. Carangelo, he observed Bruce Piechocki bartending at the rear bar. Mr. Piechocki is known to Sgt. Gallagher and was never issued a liquor license work permit. Mr. Carangelo and Mr. Piechocki were issued summonses for these violations.

On May 2, 2010 at 02:38hrs., Sgt Gallagher now observed a group of approximately eighty persons that had been inside of Liquid, yelling and screaming expletives at one another and about to fight. Sgt. Gallagher notified headquarters and began separating the groups of people. Eight police officers responded to assist Sgt. Gallagher with the large combative crowd. After approximately fifteen minutes the group was finally dispersed. Mr. Carangelo was issued a summons for violation of *Prohibition against immoral activities; disturbance; nuisance on premises*.

It should be noted that on May 2, 2010 at 04:00 hrs., an unknown person(s) fired four shots in the area of 64 West 14th Street. The people that were on the scene had been patrons of Liquid earlier in the night. Investigating detectives informed Sgt. Gallagher that their investigation revealed that the shooting stemmed from an altercation that has occurred earlier inside of Liquid.

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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 Batory Corporation t/a Liquid Lounge, holder of Plenary Retail Consumption License No. 0901- 33-054-002, for premises located at 269 Broadway, Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, June 24, 2010, at 7:00 P.M. and the Dorothy E. Harrington 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 Members Colasurdo, James, and Chairman McCabe.

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04. Board Member James 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.

May 11, 2010

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

Dear Commissioners,

Attached hereto is a synopsis of a case against Sin Kan LLC t/a Thai O'Briens located at 57 East 32nd Street, Bayonne, N.J., Liquor License Number 0901-33-117-011.

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

6-5.1 – Serving after hours.

6-3.3 – License required

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

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Synopsis of Case

License: Plenary Retail Consumption License
Number: 0901-33-117-011
Owners: Sin Kan LLC
T/A: Thai O'Brien
Location: 57 East 32nd Street, Bayonne, NJ

Registered agent: Thomas Ma
16 Powder Horn Road
Ardsley, NY 10502

Persons Involved: Police: Detective Timothy Donaway #236

Patrons: William Bucko, Jr.
23 West 42nd Street

Laura Bucko
23 West 42nd Street

Bartender: Joseph W. Carr (unlicensed)

Manager: Dave George

Complaining Officer: Detective Timothy Donaway #236

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

Violations: 6-5.1 – Hours of Operation

(a) No alcoholic beverages shall be sold, served or delivered by licensees of any class nor shall any such licensee suffer or permit the sale, service or delivery of any alcoholic beverages directly or indirectly upon the licensed premises on the following days, between the hours set forth opposite such days;

Weekdays, except Saturdays, Sunday and legal holidays,
2:00 am to 6:00 am.

Saturday and legal holidays, except holidays falling on
Sunday, 3:00 am to 6:00 am.

6-6.2 - Work Permit Required for Employment

All persons employed by any Retail Consumption, Club or Retail Distribution licensee shall obtain a work permit issued by the Department of Law Enforcement before commencing employment. Application for such work permit shall be made in person to the A.B.C. Bureau of the Police Department. Licensee and their employees shall be bound by the following rules and regulations.

Every licensee, agent, bartender, waiter, waitress or other employees shall make full and complete answers on prescribed forms furnished by the Department of Law Enforcement

b. Every licensee, agent or any other employees, connected with or employed by the licensee shall submit to the taking by the Department of Law Enforcement of impressions of the thumb and fingertips of both hands and the taking of

photographs, and shall authorize a criminal record check to be made. The applicant shall pay a fee of twenty-five dollars (\$25.00) to the City of Bayonne by check or money order for the work permit. The applicant shall also pay by money order payable to Division of State Police –S.B.I., a fee for the processing of fingerprints and a criminal record check which shall be the current fee established by the State Police at the time of the application.

Synopsis of incident one:

05/08/2010 Bayonne Police File #2010-31896

On today's date Detective Donaway conducted an A.B.C. check on Thai O'Brien's. There have been recent complaints about excessive noise and "after hour" activities which have been discussed with the management of Thai O'Brien's. Upon exiting his vehicle Detective Donaway heard loud music coming from the inside of the establishment. Detective Donaway approached the side entrance and observed through the window five people sitting at the bar consuming alcoholic beverages from shot glasses. The manager of Thai O'Brien's, Dave George, observed him looking through the window. Mr. George then unlocked the door and allowed him to enter. As he walked through the doorway Mr. George stated, I'm sorry Tim, they are doing shots celebrating their wedding, I'm getting them out now." Detective Donaway observed currency and coins lying on the bar in front of the patrons as well as shot glasses and partially consumed drinks. Detective Donaway then requested a time check from the Bayonne Police Communication Center and the result was 03:29hr.

The identities of two patrons are: William M. Bucko Jr. and Laura B. Bucko, both reside at 23 West 42nd Street Bayonne, NJ. The identity of the person bartending was Joseph W. Carr of 29 West 17th Street. The three aforementioned parties were identified by their N.J. Driver's License. As Detective Donaway was speaking to the manager, bartender and two of the patrons, the three other customers exited through a rear door. Detective Donaway inquired of Mr. George the identity of the three patrons that had left, to which he responded that served them in the past, but was unable to provide their full names.

Mr. George and Mr. Carr both acknowledged serving the other three patrons just prior to the Detective's entry. Mr. Carr admitted to working without a bar license in the past, but would respond to the A.B.C. office on Monday to complete the required applications. Mr. George admitted that he was unaware of Mr. Carr's lack of license, but that was just training until the new bar licenses would be issued in June.

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

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05. Board Member James 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 regular meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, April 29, 2010 , be and the same are hereby approved.

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

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At 7:22 P.M., Board Member James moved to adjourn, seconded by Board Member Colasurdo, which motion was adopted.

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

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary