

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 WEDNESDAY, OCTOBER 27, 2010.

The Board met at 7:07 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 ** 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 of the meeting has been included in the annual notice of meetings, which was posted and filed with the City Clerk, and with the Jersey Journal and the Star Ledger. an additional notice of time and place was posted and filed with the City Clerk and was forwarded the Jersey Journal and the Star Ledger by fax and regular mail on October 22, 2010."

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

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

WHEREAS, the regular meeting of the Alcohol Beverage Control Board scheduled for Thursday, September 30, 2010 was cancelled because of the unavailability of a majority of the commissioners; and

WHEREAS, the agenda for said meeting included the hearing of disciplinary charges preferred by the Chief of Police against Batory Corporation t/a Liquid, holder of Plenary Retail Consumption License No. 0901-33-054-004, for premises located at 269 Broadway, Bayonne, NJ, and the hearing of disciplinary charges preferred by the Chief of Police against Double B Food Services, Inc. t/a The Rock, holder of Plenary Retail Consumption License No. 0901-33-055-005, for premises located at 206 Broadway, Bayonne, NJ, along with other matters; and

WHEREAS, the Board Chairman advised the board secretary to reschedule the regular meeting scheduled for Thursday, October 28, 2010 to Wednesday, October 27, 2010 at 7:00 P.M., and advised counsel for each of the above mentioned licensees that the hearing on their respective license would be considered on Wednesday, October 27, 2010, and the board secretary has advised the licensees in writing of the change in the hearing date; now, therefore,

BE IT RESOLVED, the schedule of meetings of the Alcoholic Beverage Control Board be and is hereby amended to move the regular meeting scheduled for Thursday, October 28, 2010 at 7:00 P.M. to Wednesday, October 27, 2010 at 7:00 P.M.; and be it further

RESOLVED, that the actions of the Board Chairman and the Board Secretary in adjourning the scheduled disciplinary hearings, changing the meeting date, and notifying the affected licensees of said changes be and are hereby ratified and confirmed.

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, East Mesa Corp. Inc., holder of Plenary Retail Consumption License No. 0901-33-048-003, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said East Mesa Corp. Inc., has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-048-003 for the period commencing July 1, 2010 through June 30, 2011, be granted.

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

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

WHEREAS, Lot 13 LLC, holder of Plenary Retail Consumption License No. 0901-33-058-012, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Lot 13 LLC., has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-048-003 for the period commencing July 1, 2010 through June 30, 2011, be granted.

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

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

WHEREAS, Chibay, LLC, holder of Plenary Retail Consumption License No. 0901-33-100-005, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Chibay, LLC, has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-100-005 for the period commencing July 1, 2010 through June 30, 2011, be granted with the Special Condition that no further renewal of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2011.

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.

WHEREAS, James A. Sucato holder of Plenary Retail Consumption License No. 0901-33-022-010, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said James A. Sucato, has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-022-010 for the period commencing July 1, 2010 through June 30, 2011, be granted.

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

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

WHEREAS, Hi Hat Club, Inc., holder of Plenary Retail Consumption License No. 0901-33-065-003, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Hi Hat Club, Inc., has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-065-003 for the period commencing July 1, 2010 through June 30, 2011, be granted.

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

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

WHEREAS, Maddalena Catering, Inc., holder of Plenary Retail Consumption License No. 0901-33-171-007, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Maddalena Catering, Inc., has made application for the renewal of the aforesaid license for the 2010-2011 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. 0901-33-171-007 for the period commencing July 1, 2010 through June 30, 2011, be granted with the Special Condition that no further renewal of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2011.

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

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

WHEREAS, Bayonne Buy Rite, LLC holder of Plenary Retail Consumption License with Broad Package Privileges No. 0901-32-037-006, 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 2010-2011 LICENSE TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Bayonne Buy Rite, LLC, has made application for the renewal of the aforesaid license for the 2010-2011 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 with Broad Package Privileges No. 0901-32-037-006 for the period commencing July 1, 2010 through June 30, 2011, be granted with the Special Condition that no further renewal of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2011.

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

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

RESOLVED, that the renewal Plenary Retail Consumption License with Broad Package Privileges for the period commencing July 1, 2010 through June 30, 2011, be granted to the following licensee whose Tax Clearance Certificate has been received:

<u>LICENSEE</u>	<u>LICENSED PREMISES</u>	<u>LICENSE NO.</u>
Nilsun Inc. t/a Bridgeview Liquors	300 Route 440 South	0901-32-018-009

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

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10. 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, August 26, 2010, be and the same are hereby approved.

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

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11. The Board Secretary announced that this is the time and place for the hearing of disciplinary charges filed by the Chief of Police against Plenary Retail Consumption License No. 0901-33-055-005, issued to Double B Food Services, Inc. t/a The Rock for premises located at 206 Broadway, Bayonne, New Jersey.

Assistant City Attorney Donna Russo appeared on behalf of the Chief of Police Brian Baruch, President of Double B Food Services, Inc., appeared for the licensee

Counsel advised that a plea bargain had been reached with the licensee. Board Member James moved that the following resolution be adopted, seconded by Board Member Colasurdo, 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. 0901-33-055-005, issued to		
Double B Food Services, Inc. t/a The Rock		
for premises located at 206 Broadway, Bayonne, New Jersey		

Notice having been duly served upon Double B Food Services, Inc., holder of Plenary Retail Consumption License No. 0901-33-055-005 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 Double B Food Services, Inc., having entered a plea of guilty to charge of a violation of N.J.A.C. 13:2-23.6(a)2(b), on the specific condition that the licensee waives it right to an appeal and will not appeal, and further waives its right to apply to the Director of Alcoholic Beverage Control for conversion to a monetary penalty;

IT IS THEREFORE, on this 27th day of October, 2010, on motion duly made and seconded

RESOLVED AND ORDERED, that the said Double B Food Services, Inc. t/a The Rock, be and is hereby determined to be found guilty of the charges of:
violations of:

N.J.A.C. 13:2-23.6(a)2(b) – Prohibition against immoral activities; disturbance; Nuisance on Premises; and be it further

RESOLVED AND ORDERED, that the license of the said Double B Food Services, Inc. t/a The Rock, heretofore issued by the Municipal Council of the City of Bayonne be suspended for three (3) days, with 2 days remitted in consideration of the plea of guilty, effective from 2:00 A.M. Tuesday the 9th day of November , 2010, to 6:00 A.M. Wednesday, the 10th day of November, 2010, both dates inclusive.

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

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12. The Board Secretary announced that this is the time and place for the hearing of disciplinary charges filed by the Chief of Police against Plenary Retail Consumption License No. 0901-33-054-004, issued to Batory Corporation t/a Liquid for premises located at 269 Broadway, Bayonne, New Jersey.

The Board Chairman advised that he had received a late communication from the licensee requesting an adjournment in order to obtain a lawyer. Board Member James moved that the following resolution be adopted, seconded by Board Member Colasurdo, which motion was adopted.

RESOLVED, that the hearing of disciplinary charges against Plenary Retail Consumption License No. 0901-33-054-004 held by Batory Corporation be adjourned to the meeting of Thursday, November 18, 2010 at 7:00 P.M.
Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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At 7:27 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