

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 27, 2011.

The Board met at 7:00 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 27, 2011 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 January 20, 2011."

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 Chairman McCabe, which motion was adopted.

RESOLVED, that the renewal Plenary Retail Consumption License 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>
Italia Ristorante & Delicatessen, Inc t/a Italia	275 Broadway	0901-33-009-003

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

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

WHEREAS, Alex Pasiechnik, Executor of Estate of Nicholas Pasiechnik, holder of Plenary Retail Consumption License No. 0901-33-113-002, 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 Alex Pasiechnik, Executor of Estate of Nicholas Pasiechnik, 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, 2012

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

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03. The Board Secretary announced that this was the time and place for the hearing of disciplinary charges preferred 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.

The board was advised that the licensee and the city prosecutor had agreed to a plea bargain whose terms had been incorporated in the Resolution and Order that had been prepared for the board's approval.

Board Member James moved that the following resolution be adopted, seconded by Chairman McCabe, 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. 0901-33-054-004, issued to	
Batory Corporation t/a Liquid for	
premises located at 269 Broadway,	
<u>Bayonne, New Jersey.</u>	}

Notice having been duly served upon Batory Corporation, holder of Plenary Retail Consumption License No. 0901-33-054-004 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 Batory Corporation, through its attorney John Chiaia, Esq., having entered a plea of guilty to the charges of:

6-6.2 – Work permit Required for Employment

33:1-31h – Violation of City Ordinances (3 counts)

N.J.A.C. 13:2-23.6 – Prohibition against Immoral Activities; Disturbance;
Nuisance on Premise

N.J.A.C. 13:2-23.13 – Maintaining a List of Employees on the Licensed
Premises (2 counts)

N.J.A.C. 13:2-23.32 – Records to be maintained on the licensed premises;
other required records

N.J.S.A 33:1-129a – Posting of notice required.

, on the specific condition that the licensee waives its 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 January, 2011, on motion duly made and seconded

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

6-6.2 – Work permit Required

for Employment

33:1-31h – Violation of City Ordinances (3 counts)

N.J.A.C. 13:2-23.6 – Prohibition against Immoral Activities; Disturbance;
Nuisance on Premise

N.J.A.C. 13:2-23.13 – Maintaining a List of Employees on the Licensed
Premises (2 counts)

N.J.A.C. 13:2-23.32 – Records to be maintained on the licensed premises;
other required records

N.J.S.A 33:1-129a – Posting of notice required.

; and be it further

RESOLVED AND ORDERED, that the license of the said Batory Corporation , 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 and in consideration of changes in management made at the licensed premises that have resulted in no further complaints nor violations since the incidents giving rise to the current disciplinary charges, said closure to be effective from 2:00 A.M. Tuesday, the 1st day of February, 2011 to 6:00 A.M., Wednesday, the 16th day of February, both dates inclusive.

Ayes - Board Member James and Chairman McCabe.

Absent – Board Member Colasurdo

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04. Board Member James moved that the following resolution be adopted, seconded by Chairman McCabe, 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 Wednesday, December 15, 2010, be and the same are hereby approved.

Ayes - Board Member James and Chairman McCabe.

Absent – Board Member Colasurdo

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At 7:02 P.M., Board Member James moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Member James and Chairman McCabe.

Absent – Board Member Colasurdo

Donna Marie James, Vice Chair

Robert F. Sloan, Secretary