

## **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 26, 2012.

The Board met at 6:00 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 January 26, 2012 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, 2012."

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

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

WHEREAS, pursuant to N.J.S.A. 10:4-6, et seq., known as the Open Public Meetings Act, all meetings of all public bodies wherein formal action, decisions or discussion relating to the public business of said bodies may take place, are required to be publicly announced and schedules posted of regular meetings for the calendar year; now, therefore be it

RESOLVED, that the Alcoholic Beverage Control Board of the City of Bayonne shall meet for the calendar year 2012 according to the following schedule in the Council Chambers, the Municipal Court Room, or such other room as may be available in the Municipal Building, 630 Avenue C, Bayonne, New Jersey, on the dates and at the times listed:

|             |                      |
|-------------|----------------------|
| January 26  | - 5:00 P.M.-Thursday |
| February 23 | - 5:00 P.M.-Thursday |
| March 29    | - 5:00 P.M.-Thursday |
| April 26    | - 5:00 P.M.-Thursday |
| May 31      | - 5:00 P.M.-Thursday |
| June 28     | - 5:00 P.M.-Thursday |
| July 26     | - 5:00 P.M.-Thursday |

August 23 - 5:00 P.M.-Thursday  
September 27 - 5:00 P.M.-Thursday  
October 28 - 5:00 P.M.-Thursday  
November 29 - 5:00 P.M.-Thursday

; and be it further

RESOLVED, that the Board may adjourn any regular or adjourned meeting to a future date and may schedule such other meetings during the calendar year as its business may require, with proper notice to the public to be given by the Secretary; and be it further

RESOLVED, that the Secretary is hereby directed to insure that proper notice of Board meetings of all types is provided to the public as follows:

a) Posting a copy of the Annual Schedule and appropriate notices of meetings on the bulletin board in the lobby of the Municipal Building.

b) Filing a copy of said notices in the City Clerk's Office.

c) Mailing, faxing, or otherwise delivering copies of said notices to the Jersey Journal and the Star Ledger within the time prescribed by the Open Public Meetings Act.

d) Complying with any additional statutory requirements not specified herein.

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

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

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2011 through June 30, 2012, be granted to the following licensees, whose Tax Clearance Certificate have now been received:

| <u>LICENSE NO.</u> | <u>LICENSEE</u>              | <u>LICENSED PREMISES</u>       |
|--------------------|------------------------------|--------------------------------|
| 0901-33-002-005    | Light Rail Restaurant Inc.   | 35 West 1 <sup>st</sup> Street |
| 0901-33-010-002    | The Theater Group, Inc.      | Inactive                       |
| 0901-33-107-002    | Melanie's at Prospect Avenue | 24 Prospect Avenue             |

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

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

WHEREAS, THE THEATER GROUP, INC., holder of Plenary Retail Consumption License No. 0901-33-010-002, currently inactive, applied for renewal for the license term commencing July 1, 2009 through June 30, 2010, and paid the appropriate renewal fees, but did not obtain a Tax Clearance Certificate; and

WHEREAS, the said licensee had applied for renewal for the license term commencing July 1, 2009 through June 30, 2010, and had paid the appropriate renewal fees, and has now supplied this board with a tax clearance certificate covering the period ending June 30, 2010; now therefore, be it

RESOLVED, that the renewal of Plenary Retail Consumption License for the period commencing July 1, 2009 through June 30, 2010 be granted, nunc pro tunc to THE THEATER GROUP, INC., holder of Plenary Retail Consumption License No. 0901-33-010-002, NJ, currently inactive; and be it further

RESOLVED, that the renewal of Plenary Retail Consumption License for the period commencing July 1, 2009 through June 30, 2010 be granted THE THEATER GROUP, INC., holder of Plenary Retail Consumption License No. 0901-33-010-002, currently inactive.

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

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

WHEREAS, Aboubakr Najib, holder of Plenary Retail Consumption License No. 0901-33-123-011, 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 2011-2012 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Aboubakr Najib, has made application for the renewal of the aforesaid license for the 2011-2012 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. 0901-33-123-011 for the period commencing July 1, 2011 through June 30, 2012, be granted.

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

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

WHEREAS, STEVE & PEG, INC., holder of Plenary Retail Consumption License No. 0901-33-038-004, 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 and 2011-2012 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said STEVE & PEG 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. 0901-33-038-004 for the period commencing July 1, 2010 through June 30, 2011, be granted.

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

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

WHEREAS, Elizabeth Dautrick, residing or located at 130 West 47<sup>th</sup> Street in the City of Bayonne, County of Hudson, State of New Jersey, has made application for the transfer of Plenary Retail Consumption License No. 0901-33-0048-003, now held

by East Mesa Corp., currently inactive, in the City of Bayonne, 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. 0901-33-048-003, above described, be and is hereby transferred from East Mesa Corp., the present holder of the same, to Elizabeth Dautrick ; 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 January 27, 2012.

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

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

BE IT RESOLVED, that the official minutes of the special meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, October 27, 2011, be and the same are hereby approved.

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

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

WHEREAS, Francesco Entertainment LLC, residing or located at 125 LeFante Way, in the City of Bayonne, County of Hudson, State of New Jersey, has made application for the transfer of Plenary Retail Consumption License No. 0901-33-028-

008, now held by 125 LeFante Way Inc. t/a Ten East Hibachi Lounge, for premises located at 125 LeFante Way, in the City of Bayonne, 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. 0901-33-028-008, above described, be and is hereby transferred 125 LeFante Way Inc. t/a Ten East Hibachi Lounge, the present holder of the same, to Francesco Entertainment, LLC ; 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 January 27, 2012.

Ayes - Board Member Colasurdo and Chairman McCabe.

Absent – Board Member James

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At 6:12 P.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Member Colasurdo and Chairman McCabe.

Absent – Board Member James

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H. Mickey McCabe, Chairman

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Robert F. Sloan, Secretary