

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, JUNE 28, 2012.

The Board met at 5:05 P.M.

The Board Secretary called the roll.

Present were: Board Member Patrick Colasurdo, 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 June 28, 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 June 25, 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.

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-33-004-001	Assumption Lyceum Bowling Alley Association	61-105 West 23rd St.
0901-33-014-004	MJR Enterprises, Inc. t/a San Vito Pizza	406 Broadway
0901-33-016-001	Brother's Tavern Inc. t/a Mi Pueblito Mexican Rest	369 Broadway
0901-33-023-002	Briad Restaurant Group, Inc. t/a TGI Fridays, Inc.	50 Bayonne Crossing Way
0901-33-027-003	Chance's Lounge, Inc.	1028 Broadway

0901-33-030-002	69 Kennedy Blvd. Inc. t/a Foley's West End Tavern	69 Kennedy Blvd.
0901-33-032-003	Philip Crisonino & Marie Crisonino t/a Chris' Corner	17 West 2nd St.
0901-33-035-005	The Starting Point Bar and Grille, LLC	2 Avenue A
0901-33-045-007	Luce LLC t/a Piccolino	550-552 Broadway
0901-33-049-006	423 Unlimited, LLC t/a San Vito, II	514-417 Broadway
0901-33-053-004	Apples of Bayonne, Inc. t/a The Big Apple Lounge	414 Broadway
0901-33-054-003	Espol Corp. A New Jersey Corporation t/a Copacabana Grill	269 Broadway
0901-33-055-006	Double B Food Services Inc. t/a The Rock	206 Broadway
0901-33-056-005	Amici's Food Services Corp. t/a Amici's Restaurant	184 Broadway
0901-33-060-008	Soghra Entertainment, LLC t/a Abbeys Too Bar & Grill	456 Avenue C
0901-33-063-007	Mona Lisa Pizzeria, Inc. t/a Mona Lisa Pizzeria	163-165 Broadway
0901-33-064-005	671 Broadway Associates, Inc. t/a Hendrickson's Restaurant	671 Broadway & 5 West 31st St.
0901-33-065-003	Hi Hat Caterers, Inc	inactive
0901-33-072-002	Brinkers New Jersey, Inc. t/a Chili's Grill & Bar	inactive
0901-33-077-003	Kuhl's Tavern, Inc. t/a Kuhl's Tavern	53 Prospect Avenue

0901-33-078-004	Rare Hospitality International, Inc. t/a Longhorn Steakhouse of Bayonne	Rte 440 New Hook Access Road
0901-33-080-005	Angelina's Corp. t/a Angelina's	928 Broadway
0901-33-086-005	Mediterraneo Restaurant Inc.	932 Broadway
0901-33-090-004	Sal-Vi t/a Pat's Tavern	378 Avenue C
0901-33-092-003	Lucky Sons Holding Corp. t/a R & B's	234 Broadway & 7 Linnet Street
0901-33-094-004	Erin Eileen, Inc. t/a Massa's Bar & Grill	563 Avenue A
0901-33-097-008	Remajules LLC t/a Sevenfortyseven	747 Broadway
0901-33-102-002	McGinnis' Inc. t/a Makar's Tavern	1106 Avenue C
0901-33-106-003	263 Broadway, Inc. t/a Danny Boy's Pub	263 Broadway
0901-33-108-010	Rye @279 Broadway, LLC t/a Rye	279 Broadway
0901-33-116-005	Primi Corp. t/a Cafe Bello	1044 Avenue C
0901-33-125-002	St. John's Byzantine Catholic Church	14-24 East 27th St.
0901-33-126-003	Vinnie & Richie, Inc. t/a Pizza Master	528-532 Broadway
0901-33-146-003	Garcia & Lumen, LLC t/a Seagulls Bar & Grill	1020-1022 Broadway
0901-33-150-005	Scarab Entertainment LLC t/a Scarab	147 Avenue E & 50 East 17th St.

0901-33-151-003 Kileen, Inc. t/a DiGiorgio's 990 Broadway

Ayes - Board Member Colasurdo and Chairman McCabe.

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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 Distribution Licenses for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-44-062-006	M & N Liquors LLC t/a Times Square Liquors	891 Broadway
0901-44-081-003	RP & Sons, Inc. t/a Manny's Liquors	941 Broadway
0901-44-084-007	National Liquors Store, Inc. t/a Stanley's Liquors Store	732 Broadway
0901-44-139-005	169 Broadway Inc. t/a J & V Liquors	169 Broadway

Ayes - Board Member Colasurdo and Chairman McCabe.

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03. 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 with Broad Package Privilege for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-32-018-006	Nilsun Inc. t/a Bridgeview Liquors	Route 169 South

0901-32-037-006	PARD Liquors, LLC t/a City Line Liquors	1347 Kennedy Blvd.
0901-32-093-007	Primetime Liquors	177A Avenue A
0901-32-101-012	High Spirits of Bayonne LLC t/a High Spirits	816-818 Broadway

Ayes - Board Member Colasurdo and Chairman McCabe.

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

RESOLVED, that the renewal of Club Licenses for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-31-156-001	Carpatho Russian American Citizen Club, Inc.	95 West 27th Street
0901-31-158-002	Elks Club of Bayonne Lodge 434 BPOE	364 Broadway
0901-31-160-001	Italian American Democratic Club	526 Kennedy Blvd.
0901-31-163-002	Robbins Reef Yacht Club, Inc.	21 Pavonia Court
0901-31-165-001	Spanish American Citizens Club	382 Broadway
0901-31-165-001	Spanish American Citizens Club	382 Broadway
0901-31-167-001	Flournoy Gethers Post 7470 VFW of US	33-35 West 19 th St.
0901-31-168-001	Joyce Herbert Post 226 VFW of US	16-18 West 9 th Street

Ayes - Board Member Colasurdo and Chairman McCabe.

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

WHEREAS, McLoone's Bayonne, LLC. t/a McLoone's Bayonne Grille located at 400 Route 440, in the City of Bayonne, County of Hudson, State of New Jersey, has made application for the transfer to it of Plenary Retail Consumption License No. 0901-33-072-003, now held by Brinker New Jersey, Inc., 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. 0901-33-072-003 above described, be and is hereby transferred from Brinker New Jersey, the present holder of the same, to McLoone's Bayonne, LLC. t/a McLoone's Bayonne Grille for premises located at 400 Route 440 in the City of Bayonne; 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 July 1, 2012.

Ayes - Board Member Colasurdo and Chairman McCabe.

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

WHEREAS, the below listed licensee has applied for renewal and has paid the appropriate fees and satisfied the requirements for renewal; and

WHEREAS, the Alcoholic Beverage Control Unit of the Police Department has recommended that certain restrictions be imposed on the operation of the licensed premises, which restrictions are described in a report to the Alcoholic Beverage Control Board by Sergeant Kevin Gallagher, which is attached hereto, therefore, be it

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensee:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-33-011-006	Pair of Jacks Pub, LLC t/a Pair of Jacks Pub	812 Broadway;

and be it further

RESOLVED that such renewal be and is hereby made subject to the following restrictions:

1. That a security camera system is installed and is checked periodically to ensure that it is functioning, especially on the evenings of Thursday, Friday, and Saturday;
2. That security personnel are required to work on Thursdays, Fridays, and Saturdays from 10:00 P.M. until closing.
3. That security personnel are required to control crowds that congregate along the 37th Street side in the rear so that the tranquility of the neighborhood is not disturbed. If the security personnel are unable to control the groups of people, they are to immediately report the situation to the Bayonne Police Department

Ayes - Board Member Colasurdo and Chairman McCabe.

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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 regular meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, April 26, 2012 and May 31, 2012, be and the same are hereby approved.

Ayes - Board Member Colasurdo and Chairman McCabe.

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08. Blaine Pappaccio, 475 Avenue E, addressed the Board regarding Thai O'Brien at 472 Avenue E (San Kan, LLC t/a Thai O'Brien's, holder of Plenary Retail Consumption License No. 0901-33-117-011). He appeared last year when there was a noise problem from music. The current problem is noisy patrons. There is a young crowd and "all

hell breaks loose” at closing sometimes. There is an above the law attitude on ownership’s part.

Chris Navin, 490 Avenue E, spoke and said he doesn’t hear the same noise and doesn’t have problems with the bar. They are good neighbors.

Dave George, 43 East 36th Street, spoke to Mr. Pappaccio’s points. Bars tend to get loud and they turn the volume down when told to. They have tried to help Mr. Pappaccio and have given him their phone numbers. He asked why can’t Mr. Pappaccio mind his own business.

David Ma, 12 Sycamore Way, Warren, NJ, also spoke on behalf of the licensee. He owns the building and feels Mr. Pappaccio is complaining about more than the bar.

The board listened to the various points of view and offered some constructive suggestions on how an area alongside the premises might be adapted to allow smokers to congregate outside with the noise being baffled.

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09. The Board Secretary announced that this was the time and place for the hearing of disciplinary charges file by the Chief of Police against Plenary Retail Distribution License No. 0901-44-131-006, issued to SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse for premises located at 1 LeFante Way, Bayonne, New Jersey.

Municipal Prosecutor Donna Russo, Esq., appeared on behalf of the Chief of Police Parag Parith, a member of the LLC, appeared on behalf of the licensee.

A guilty plea was entered by the licensee pursuant to an agreement reached with the prosecutor.

Board Member Colasurdo 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)
discipline Plenary Retail Distribution)
License No. 0901-44-131-006, issued to) RESOLUTION AND ORDER
SOUTH COVE ENTERTAINMENT, LLC t/a)
Wine Warehouse for premises located at 1)
LeFante Way, Bayonne, New Jersey.)

Notice having been duly served upon SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse, holder of Plenary Retail Distribution License No. 0901-44-131-006,

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 SOUTH COVE ENTERTAINMENT, LLC, through Parag Parith, Member of the LLC, having entered a plea of guilty to the charges of:

(7 Counts) 6-6.2 – Work Permit Required for Employment

(7 Counts) 33:1-31h – Violation of City Ordinances

(1 Count) 13:2-23.13- Maintaining Current List of Employees on Premise,
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 28th day of June, 2012, on motion duly made and seconded

RESOLVED AND ORDERED, that the said SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse, be and is hereby determined to be found guilty of the charges of:

(7 Counts) 33:1-31h – Violation of City Ordinances (merging the charge of a violation of section 6-6.2 of the Revised General Ordinances)

(1 Count) 13:2-23.13- Maintaining Current List of Employees on Premise;
and be it further

RESOLVED AND ORDERED, that the license of the said SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse, heretofore issued by the Municipal Council of the City of Bayonne be suspended for 15 days, with 5 days remitted in consideration of the plea of guilty for a total closing of 10 days, effective from 10:00 P.M. Sunday, the 12th day of August, 2012 to 9:00 A.M., Thursday, the 23rd day of August, 2012, both dates inclusive.

Ayes - Board Member Colasurdo and Chairman McCabe.

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10. 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 Distribution License for the period commencing July 1, 2012 through June 30, 2013, be granted to the following licensee, pending the outcome of disciplinary charges

LICENSEE

LICENSED PREMISESLICENSE NO.

South Cove Entertainment, LLC 1 LeFante Way 0901-44-131-006

Ayes - Board Member Colasurdo and Chairman McCabe.

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At 5:59 P.M., Chairman McCabe moved to adjourn, seconded by Board Member Colasurdo, which motion was adopted.

Ayes - Board Member Colasurdo and Chairman McCabe.

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary