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, October 25, 2012.

The Board met at 5:04 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 October 25, 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 October 19, 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:

LICENSEE	LICENSED PREMISES	LICENSE NO.
Francesco Entertainment	125 Le Fante Way	0901-33-028-009

Ayes - Board Members 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.

WHEREAS, by Resolution No. 12-07-23-002 this board approved the renewal of Plenary Retail Consumption License No. 0901-33-038-005, held by Steve & Peg, Inc. currently inactive; and

WHEREAS, the board has been advised by the State of New Jersey, Division of Alcoholic Beverage Control that said renewal be rescinded under the provision of N.J.S.A. 33:1-12.39; now, therefore, be it

RESOLVED, Resolution No. 12-07-23-002, adopted July 23, 2012 granted the renewal of Plenary Retail Consumption License No. 0901-33-038-005 held by Steve & Peg, Inc., currently inactive, be and the same is hereby rescinded; and be it further

RESOLVED, that the effective date of this resolution is October 25, 2012, nunc pro tunc.

Ayes - Board Members 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.

WHEREAS, F. A. MACKENZIE POST 165 AMERICAN LEGION HOLDING CORP., holder of Plenary Retail Consumption License No. 0901-33-001-001, 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 2012-2013 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39 under Docket No. 08-12-7799 issued October 4, 2012; and

WHEREAS, the said F. A. MACKENZIE POST 165 AMERICAN LEGION HOLDING CORP. has made application for the renewal of the aforesaid license for the 2012-2013 license terms, 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 No. 0901-33-001-001 for the period commencing July 1, 2012 through June 30, 2013, be granted.

Ayes - Board Members Colasurdo and Chairman McCabe.

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04. 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 Distribution License No. 0901-44-131-006, issued to SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse for premises located at 1 Le Fante Way.

Assistant City Attorney Donna Russo appeared on behalf of the Chief of Police.
John F. Vassallo, Esq., appeared on behalf of the respondent.

Counsel advised that a settlement agreement had been reached wherein the respondent would plead guilty to the charges.

Board Member Colasurdo moved that the following resolution and order 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 SOUTH COVE ENTERTAINMENT, LLC t/a Wine Warehouse for premises located at 1 Le Fante Way, Bayonne, New Jersey	RESOLUTION AND ORDER

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 John F. Vassallo, Esq., having entered a plea of guilty to the charges;

IT IS THEREFORE, on this 25th day of October 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 violations of:

1. N.J.S.A 13:2-23.27 –Prohibited activities during license suspension; 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 five days, with four days remitted in consideration of the plea of guilty, for a total suspension of one day, effective from 10:00 P.M. Sunday, the 6th day of January, to 6:00 A.M. Tuesday, the 8th day of January, 2013, both dates inclusive.

Ayes - Board Members Colasurdo and Chairman McCabe.

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05. 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 Distribution License No. 0901-33-059-006, issued to BAD ASSOCIATES LLC t/a Buon Appetito for premises located at 906-908 Broadway.

Assistant City Attorney Donna Russo appeared on behalf of the Chief of Police.
Anthony Stobling, President of BAD Associates, LLC, appeared as the respondent.

Counsel advised that a settlement agreement had been reached wherein the respondent would plead guilty to the charges.

Board Member Colasurdo moved that the following resolution and order 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 Consumption License No. 0901-33-059-006, issued to BAD ASSOCIATES LLC t/a Buon Appetito for premises located at 906-908 Broadway, Bayonne, New Jersey.	RESOLUTION AND ORDER

Notice having been duly served upon BAD ASSOCIATES, LLC, holder of Plenary Retail Consumption License No. 0901-33-059-006 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 BAD ASSOCIATES, LLC, through Anthony Stobling, its president, having entered a plea of guilty to the charges of:

33:1-50d	Unlicensed Sale of Alcohol
6-6.2	Work Permit required for employment
33:1-1-26	Employing criminally disqualified persons
13:2-23.32	Records to be maintained on licensed premises
33:1-31h	Violation of City Ordinances
12:2-12.13	Maintaining current list of employees on premises (E-141)
33:1-12a	Posting of Fetal Alcohol Syndrome warning notices required
13:2-23.32	Incomplete books of accounts (Incomplete payroll records),

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 25th day of October, 2012, on motion duly made and seconded

RESOLVED AND ORDERED, that the said BAD ASSOCIATES, LLC, be and is hereby determined to be found guilty of the charges of

33:1-50d	Unlicensed Sale of Alcohol
6-6.3	Work Permit required for employment
33:1-1-26	Employing criminally disqualified persons
13:2-23.32	Records to be maintained on licensed premises
33:1-31h	Violation of City Ordinances
12:2-12.13	Maintaining current list of employees on premises (E-141)
33:1-12a	Posting of Fetal Alcohol Syndrome warning notices required
13:2-23.32	Incomplete books of accounts (Incomplete payroll records)

; and be it further

RESOLVED AND ORDERED, that the license of the said BAD ASSOCIATES, LLC , heretofore issued by the Municipal Council of the City of Bayonne be suspended for 2 days, with the 2 days the licensee was closed following its failure to obtain an ad interim permit, in consideration of the plea of guilty and in consideration of the nature of the charges and the licensee's prompt correction of the circumstances that gave rise to the charges.

Ayes - Board Members 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.

BE IT RESOLVED, that the official minutes of the special meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, September 27, 2012, be and the same are hereby approved.

Ayes - Board Members Colasurdo and Chairman McCabe.

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At 5:19 P.M., Board Member Colasurdo moved to adjourn to Monday, November 5, 2012, seconded by Chaimen, which motion was adopted.

Ayes - Board Members Colasurdo and Chairman McCabe.

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H. Mickey McCabe, Chairman

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Robert F. Sloan, Secretary