

SPECIAL 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 MONDAY, FEBRUARY 25, 2013.

The Board met at 11:09 A.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 Special Meeting of the Alcoholic Beverage Control Board of the City of Bayonne of February 25, 2013 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 February 19, 2013."

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

* * * * *

01. Board Member Colasurdo moved that the following Call of the Meeting be received and filed, seconded by Chairman McCabe, which motion was adopted.

February 20, 2013

Robert F. Sloan, Esq.
Board Secretary
630 Avenue C
Bayonne, NJ 07002

RE: Special Meeting
Monday, February 25, 2013

Dear Mr. Sloan:

This is to advise that I am hereby calling a special meeting of the Alcoholic Beverage Control Board of the City of Bayonne for Monday, February 25, 2013 at 11:00 A.M. in the City Clerk's Office. The meeting is called for consideration of the following matters:

1. Call of the Meeting.
2. Disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-111-007, issued to Piccolo Venezia.

- Ristorante LLC t/a Nuovo Venezia for premises located at 392 Broadway.
3. Approving the Person to Person Transfer of Plenary Retail Consumption License No. 0901-33-045-007 to Piccolino's for premises located at 550-552 Broadway, in the City of Bayonne, NJ.
 4. Approving the annual renewal for Plenary Retail Consumption License No. 0901-33-059-007 held by BAD Associated, LLC t/a Buon Appetito for premises located at 906-908 Broadway, Bayonne, NJ.
 5. Approving the renewal of Plenary Retail Consumption License No. 0901-33-020-006 held by JOHN ROGERS, who had previously filed and paid the required fees and has now received a "Special Ruling" issued by the Director of the Division of Alcoholic Beverage Control for a license that has been inactive for two (2) years or more. **(special rulings covering multiple years 2005-2006 to 2014-2015)**
 6. Approving the Minutes of the adjourned meeting of December 20, 2012.

Very truly yours,

H. Mickey McCabe, Chair

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

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

WHEREAS, Hugo Barreto, residing or located at 15-17 Herrick Court in the City of Bayonne, County of Hudson, State of New Jersey, has made application for the transfer to him of Plenary Retail Consumption License No. 0901-33-045-007, now held by Luce, LLC t/a Piccolino's for premises located at 550-552 Broadway 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. 0901-33-045-007, above described, be and is hereby transferred from Luce, LLC t/a Piccolino's, the present holder of the same, to Luce, LLC t/a Picclino's; 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 February 28, 2013.

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

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

<u>LICENSEE</u>	<u>LICENSED PREMISES</u>	<u>LICENSE NO.</u>
BAD Associates, LLC t/a Buon Appetito	906-908 Broadway	0901-33-059-007

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

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

WHEREAS, John Rogers, holder of Plenary Retail Consumption License No. 0901-33-020-006, 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 EIGHT (8) LICENSE TERMS **(2005-2006,2006-2007,2007-2008,2008-2009,2009-2010, 2010-2011, 2011-2012 AND 2012-2013)** PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said JOHN ROGERS, has made applications for the renewal of the aforesaid 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 No. 0901-33-020-006 for the following license terms be granted:

- July 1, 2005 through June 30, 2006
- July 1, 2006 through June 30, 2007
- July 1, 2007 through June 30, 2008
- July 1, 2008 through June 30, 2009
- July 1, 2009 through June 30, 2010
- July 1, 2010 through June 30, 2011
- July 1, 2011 through June 30, 2012
- July 1, 2012 through June 30, 2013.

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

05. 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, December 20, 2012, be and the same are hereby approved.

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

06. The Board Secretary announced that this was the time and place for further consideration of the disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-111-007, issued to Piccolo Venezia Ristorante LLC t/a Nuovo Venezia for premises located at 392 Broadway.

Anthony Bianciella, Esq., appeared for the licensee.
Susan Ferraro, Esq., Municipal Prosecutor, appeared for the Chief of Police
Detective Timothy Donoway of the Police A.B.C. Squad also appeared.

The hearing was stenographically recorded.

After discussion, 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. 0901-33-111-007, issued to) RESOLUTION AND ORDER
Piccolo Venezia Ristorante LLC t/a Nuovo)
Venezia for premises located at 392)
Broadway, Bayonne, New Jersey)

WHEREAS, a Resolution and Order having been adopted by the Alcoholic Beverage Control Board of the City of Bayonne on December 20, 2012, following a plea of guilty to certain charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-111-007, issued to Piccolo Venezia Ristorante LLC t/a Nuovo Venezia for premises located at 392 Broadway, Bayonne, New Jersey, issuing a suspension of said license for thirty (30) days, effective from 2:00 A.M. Wednesday, the 2nd day of January, 2013, to 6:00 A.M. Friday, the 1st day of February, 2013, both dates inclusive, and requiring the licensee to appear at the Board's meeting scheduled on Thursday, January 24, 2013 at 5:00 P.M. to show cause why a further suspension or revocation should not be imposed; and

WHEREAS, at the licensee's request, the return date for the show cause hearing was adjourned and the Board Chair has called this special meeting on February 25, 2013 to replace the regular meeting previously scheduled for February 28, 2013, and notified counsel for the licensee of the hearing date; and

WHEREAS, the licensee, through its counsel, Anthony Bianciella, Esq., has appeared and the board has heard testimony and considered the arguments of counsel for the licensee and the Chief of Police;

IT IS THEREFORE, on this 25th day of February, 2013, on motion duly made and seconded

RESOLVED AND ORDERED, that the licensed premises be authorized to open for business, provided that the licensee provide such documentation as has been requested by the Police Department, specifically books of account, with seven days pursuant to N.J.A.C. 13:2-23.2.

Ayes - Board Members Colasurdo and Chairman McCabe.

* * * * *

At 11:34 A.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Members Colasurdo and Chairman McCabe.

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary