

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, JULY 25, 2013.

The Board met at 3:00 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 July 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 July 18, 2013."

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

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01. The Board Secretary announced, "This is the time and place for the hearing of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-011-005, issued to Pair of Jacks Pub, LLC for premises located at 812 Broadway."

The following appeared:

Jack Spinella, Esq., attorney for the licensee
Susan Ferraro, Esq., municipal prosecutor

Counsel advised that a plea arrangement had been reached. Board Member Colasurdo moved that the following resolution be adopted, seconded by Chairman McCabe, which motion was adopted.

In the matter of the proceedings to)
discipline Plenary Retail Consumption)
License No. 0901-33-011-005, issued to) RESOLUTION AND ORDER
Pair of Jacks Pub, LLC for premises)
located at 812 Broadway, Bayonne, New)
Jersey)

Notice having been duly served upon Pair of Jacks Pub, LLC, holder of Plenary Retail Consumption License No. 0901-33-011-005 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 Pair of Jacks Pub, LLC, through its attorney, Jack Spinella, Esq., having entered a plea of guilty to certain of the charges, on the specific condition that the licensee waives its right to apply for a monetary penalty in lieu of a suspension and its right to an appeal and will not appeal;

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

RESOLVED AND ORDERED, that the said Pair of Jacks Pub, LLC, be and is hereby determined to be found guilty of the charges of violations of:

1. N.J.A.C. 13:2-23.13(a) (3) Maintaining Current List of Employees
2. N.J.A.C. 13:2-23.6 Prohibition of Immoral Activities; Disturbance Nuisance on Premises; all other charges being dismissed, and be it further

RESOLVED AND ORDERED, that the license of the said Pair of Jacks Pub, LLC, heretofore issued by the Municipal Council of the City of Bayonne be suspended for thirty (30) days, with nine (9) days remitted in consideration of the plea of guilty, for a total suspension of twenty-one (21) days, effective from 2:00 A.M. Thursday, the 1st day of August, 2013, to 6:00 A.M. Thursday, the 22nd day of August, 2013, both dates inclusive; and be it further

RESOLVED AND ORDERED, that the license shall henceforth be subject to the following restrictions:

1. There shall be no amplified music played after 1:00 A.M. on Sunday nights through Thursday nights, and no amplified music after 2:15 A.M. on Friday nights and Saturday nights.
2. Adequate security shall be provided at all times. (Recommended "adequate" security is generally regarded as meaning one security person for each 15 patrons.)
3. Licensee shall comply with all bookkeeping requirements.

Ayes - Board Members Colasurdo and Chairman McCabe.

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02. The Board Secretary announced, "This is the time and place for the hearing of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-058-011, issued to Lot 13 LLC t/a Lot 13 Longbar and Restaurant for premises located at 167-169 Avenue E."

The following appeared:

Martin Morrison, Esq., attorney for the licensee
Susan Ferraro, Esq., municipal prosecutor

Counsel advised that a plea arrangement had been reached. Board Member Colasurdo moved that the following resolution be adopted, seconded by Chairman McCabe, which motion was adopted.

In the matter of the proceedings to)
discipline Plenary Retail Consumption)
License No. 0901-33-058-011, issued to) RESOLUTION AND ORDER
Lot 13 LLC t/a Lot 13 Longbar and)
Restaurant for premises located at 167-)
169 Avenue E, Bayonne, New Jersey)

Notice having been duly served upon Lot 13 LLC t/a Lot 13 Longbar and Restaurant, holder of Plenary Retail Consumption License No. 0901-33-058-011, 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 Lot 13 LLC t/a Lot 13 Longbar and Restaurant, through Martin Morrison, Esq., its attorney, having entered a plea of guilty to certain of the charges, on the specific condition that the licensee waives its right to apply for a monetary penalty in lieu of a suspension and its right to an appeal and will not appeal;

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

RESOLVED AND ORDERED, that the said Lot 13 LLC t/a Lot 13 Longbar and Restaurant, be and is hereby determined to be found guilty of the charges of violations of:

3. N.J.A.C. 13:2-23.30 (BOOKS2) Records to be maintained on the licensed premises
4. N.J.S.A. 13:2-23.6(a)(2)(NUIS2-N) Prohibition against immoral activities; Disturbance; nuisance on premises; all other charges being dismissed, and be it further

RESOLVED AND ORDERED, that the license of the said Lot 13 LLC t/a Lot 13 Longbar and Restaurant, heretofore issued by the Municipal Council of the City of Bayonne be suspended for thirty (30) days, with thirty (30) days suspended in consideration of the plea of guilty and because of these charges being the first preferred against the new owners of the licensee, for a total suspension of zero days; and be it further

RESOLVED AND ORDERED, that the license shall henceforth be subject to the following restrictions:

1. There shall be no amplified music played after 1:00 A.M. on Sunday nights through Thursday nights, and no amplified music after 2:15 A.M. on Friday nights and Saturday nights.
2. Adequate security shall be provided at all times. (Recommended "adequate" security is generally regarded as meaning one security person for each 15 patrons.)

Ayes - Board Members Colasurdo and Chairman McCabe.

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03. The Board Secretary announced, "This is the time and place for the hearing of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-055-006, issued to Double B Food Services, Inc. t/a The Rock for premises located at 206 Broadway."

The following appeared:

Brian Baruch, President of the licensee
Susan Ferraro, Esq., municipal prosecutor

In the matter of the proceedings to)
discipline Plenary Retail Consumption)
License No. 0901-33-055-006, issued to) RESOLUTION AND ORDER
Double B Food Services, Inc. t/a The Rock)
for premises located at 206 Broadway,))
Bayonne, New Jersey)

Notice having been duly served upon Double B Food Services, Inc. t/a The Rock, holder of Plenary Retail Consumption License No. 0901-33-055-006 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 Double B Food Services, Inc. t/a The Rock, through Brian Baruch, its president, having entered a plea of guilty to certain of the charges, on the specific condition that the licensee waives its right to apply for a monetary penalty in lieu of a suspension and its right to an appeal and will not appeal;

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

RESOLVED AND ORDERED, that the said Double B Food Services, Inc. t/a The Rock, be and is hereby determined to be found guilty of the charges of violations of:

5. N.J.A.C. 13:2-23.6(a)(2). (NUIS2-N) Prohibition against immoral activity; Disturbance; nuisance on premises; all other charges being dismissed; and be it further

RESOLVED AND ORDERED, that the license of the said Double B Food Services, Inc. t/a The Rock, heretofore issued by the Municipal Council of the City of Bayonne be suspended for thirty (30) days, with twenty-six (26) days remitted in consideration of the plea of guilty, for a total suspension of four (4) days, effective from 2:00 A.M. Monday, the 29th day of July, 2013, to 6:00 A.M. Friday, the 2nd day of August, 2013, both dates inclusive; and be it further

RESOLVED AND ORDERED, that the license shall henceforth be subject to the following restrictions:

1. There shall be no amplified music played after 1:00 A.M. on Sunday nights through Thursday nights, and no amplified music after 2:15 A.M. on Friday nights and Saturday nights.
2. Adequate security shall be provided at all times. (Recommended "adequate" security is generally regarded as meaning one security person for each 15 patrons.)
3. After 10:00 P.M. no alcohol shall be served and no music shall be played at the outside portion of the licensed premises.
4. On the day of the city's annual St. Patrick's Day Parade the licensed premises must close at 8:00 P.M.

Ayes - Board Members 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 Plenary Retail Distribution Licenses for the period commencing July 1, 2013 through June 30, 2014, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-44-081-003	RP & Sons, Inc. t/a Manny's Liquors	941 Broadway

Ayes - Board Members 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, The Theatre Group, Inc., holder of Plenary Retail Consumption License No. 0901-33-010-012, 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 2013-2014 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, The Theatre Group, Inc., has made application for the renewal of the aforesaid license for the 2012-2013 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. 0901-33-010-002 for the period commencing July 1, 2013 through June 30, 2014, be granted.

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.

WHEREAS, El Aguila Dorada Mexican Restaurant, LLC located at 830 Broadway , 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. 0901-33-010-003, now held by The Theatre Group, 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. 0901-33-010-003 above described, be and is hereby transferred from The Theatre Group, Inc. , the present holder of the same, to El Aguila Dorada Mexican Restaurant, LLC for premises located at 830 Broadway 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 26, 2013.

Ayes - Board Members 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 Tuesday, July 2, 2013, be and the same are hereby approved.

Ayes - Board Members Colasurdo and Chairman McCabe.

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At 3:48 P.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