

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, AUGUST 22, 2013.

The Board met at 12:00 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 August 22, 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 August 16, 2103."

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.

BE IT RESOLVED, that the actions of the Board Chair in changing the time of this regular meeting from 5:00 P.M. to 12:00 P.M. be and the same are hereby ratified and confirmed; and be it further

RESOLVED, that the actions of the Board Secretary in providing notice in compliance with the Open Public Meetings Act, including the change in time be and are hereby ratified and confirmed.

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.

WHEREAS, Elizabeth Dautrick, holder of Plenary Retail Consumption License No. 0901-33-048-004, 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 2013-2014 and 2014-2015 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Elizabeth Dautrick, has made application for the renewal of the aforesaid license for the 2013-2014 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. 0901-33-048-004 for the period commencing July 1, 2013 through June 30, 2014, be granted.

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.

WHEREAS, BAD Associates LLC t/a Buon Appetito, holder of Plenary Retail Consumption License No. 0901-33-059-007, for premise located at 906-908 Broadway, Bayonne, NJ, failed to timely file for renewal of its license for the license term commencing July 1, 2012 through June 30, 2013; and

WHEREAS, BAD Associated, LLC filed the long-form renewal application with the Alcoholic Beverage Control Board on August 1, 2011 and paid the appropriate renewal fees, and filed a petition with the Director of the Division of Alcoholic Beverage Control on August 3, 2013, requesting the issuance of a “new” license pursuant to N.J.S.A. 33:1-12.18, and

WHEREAS, the Director of the Division, in Agency No. 08-13-8310, on August 7, 2013, issued a Special Ruling approving the issuance of a “new” license for the 2012-2013 license term and renewal for the 2012-2013 license term to BAD Associates LLC, and the licensee has complied with the advertising requirements of N.J.A.C. 13:2-2.5; now, therefore be it

RESOLVED, that a “new” Plenary Retail Consumption Licenses for the period commencing July 1, 2012 through June 30, 2013, and the renewal for the license term commencing July 1, 2012 through June 30, 2013 be issued to the following licensee:

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

Buon Appetito

906-908 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 Plenary Retail Consumption 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>
0901-33-028-009	Francesco Entertainment LLC	125 LeFante Way
0901-33-059-007	BAD Associates LLC t/a Buon Appetito	906-908 Broadway

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, Otaiko Hibachi & Sushi Lounge, Inc. t/a Otaiko located at 125 LeFante Way, 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. 0901-33-028-009, now held by Francesco Entertainment LLC, 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. 0901-33-028-009 above described, be and is hereby transferred from Francesco Entertainment LLC, the

present holder of the same, to Otaiko Hibachi & Sushi Lounge, Inc. t/a Otaiko for premises located at 125 LeFante Way 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 August 23, 2013.

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.

BE IT RESOLVED, that the official minutes of the regular meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, July 25, 2013, be and the same are hereby approved.

Ayes - Board Member Colasurdo and Chairman McCabe.

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At 12:05 P.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Member Colasurdo and Chairman McCabe.

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary