

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, SEPTEMBER 26 2013.

The Board met at 5:00 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 September 26, 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 September 20, 2013."

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

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01. Board Member Colasurdo moved that the following disciplinary charges be received and filed and that the resolution following same be adopted, seconded by Chairman McCabe, which motion was adopted.

August 30, 2013

Alcoholic Beverage Control Board
Municipal Building
630 Avenue C
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against Remajules LLC t/a Seventyseven located at 747 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-097-008.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

N.J.S.A. 33:1-31h	(HRS1)	Suspension, revocation of license (2 counts)
N.J.S.A. 33:1-31h	(HRS2)	Suspension, revocation of license (2 counts)
N.J.S.A. 33-1-31h	(ORDIN)	Violation of any municipal Ordinance (1 count)

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

Ralph Scianni
Chief of Police
City of Bayonne

Synopsis of Case

License: Plenary Retail Consumption License
Number: 0901-33-097-008
Owners: Remajules LLC.
T/A: Sevenfortyseven
Location: 747 Broadway, Bayonne, NJ

Registered agent: Frances Szklarski
Kelly Szklarski

Persons Involved: Patrons: Allison Cole
Gianfranco Wilbeck
Ryan Zabinski

Bartenders: Amanda Cavanaugh
Sean Carney

Complaining Officer: Detective Domenico G. Lillo #234

A.B.C. Supervisor: Captain George Farley
Sergeant Anthony Gonzalez #67

Violations:

HRS 1 (2 Counts)

On March 2, 2013 at approximately 3:10 a.m. you sold or delivered alcoholic beverages after the legal hour of sale as set forth in a municipal ordinance or in the Division of Alcoholic Beverage Control's regulation, specifically by serving patron Allison Cole as clear liquid and ice being Kettle One and Club in violation of N.J.S.A. 33:1-31h

On July 27, 2013 at approximately 3:03 a.m. you sold or delivered alcoholic beverages after the legal hour of sale as set forth in a municipal ordinance or in the Division of Alcoholic

Beverage Control's regulation, specifically by serving Gianfranco Wilbeck a bottle of Corona Light Beer and Ryan Zabinski a glass of Vodka and Orange Juice in violation of N.J.S.A. 33:1-31H

33:1-31h. Suspension, revocation of license. Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the director, or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes: *h. Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body; City of Bayonne City Ordinance 6-5.1*

Hours of Operation:

a. No alcoholic beverages shall be sold, served or delivered by licensees of any class nor shall any such licensee suffer or permit the sale, service or delivery of any alcoholic beverages directly or indirectly upon the licensed premises on the following days, between the hours set forth opposite such days:

Weekdays, except Saturdays, Sundays and legal holiday, 2:00 a.m. to 6:00 a.m.

Saturdays and legal holidays, except holidays falling on Sunday, 3:00 a.m. to 6:00 a.m.

Sundays, 3:00 a.m. to 9:00 a.m.

b. All licensed premises shall be securely closed, locked and made inaccessible to any person except the licensee and his employees on the following days between the hours set forth opposite such days:

Weekdays, except Saturdays, Sundays and legal holiday, 2:00 a.m. to 6:00 a.m.

Saturdays and legal holidays, except holidays falling on Sunday, 3:00 a.m. to 6:00 a.m.

Sundays, 3:00 a.m. to 9:00 a.m.

1. Exceptions. Licensed premises, having halls for hire or who provide catering shall be permitted to open the premises for functions, such as communion breakfasts, or any other Sunday before-noon affairs, for ticket holders, providing a special permit to cater or to hold the affair is issued by the Municipal Council. There shall be no fee for this permit.

c. Paragraphs a. and b. of this subsection shall not apply on January 1 in any year.

HRS2 (2 Counts)

On March 2, 2013 at approximately 3:10 a.m. you allowed, permitted or suffered the presence of a non-employee on the licensed premises after the legal hour of sale as set forth in a municipal ordinance, specifically by allowing patron Allison Cole to remain inside the licensed premises in violation of N.J.S.A. 33:1-31h

On July 27, 2013 at approximately 3:03 a.m. you allowed, permitted or suffered the presence of a non-employee on the licensed premises after the legal hour of sale as set forth in a municipal ordinance, specifically by allowing patron Gianfranco Wilbeck and Ryan Zabinski to remain inside the licensed premises in violation of N.J.S.A. 33:1-31H

33:1-31h. Suspension, revocation of license. Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the director, or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes: *h.*

Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body; City of Bayonne City Ordinance 6-5.7

Closing Provisions:

During the hours when sales of alcoholic beverages are prohibited, the entire licensed premises shall be closed and no person shall be admitted or permitted to remain thereon except the licensee or bona fide employees of the licensee; provided, however, that such requirement for the closing of the premises shall not apply to bona fide hotels or restaurants as defined in N.J.S.A. 33:1-1(t) and to clubs eligible for a club license under N.J.S.A. 33:1-12(5) and to other establishments where the principal business is other than the sale of alcoholic beverages (New)

ORDIN (1 Count)

On March 2, 2013 you allowed, permitted or suffered the violation of a municipal ordinance or regulation of the issuing authority or municipal governing body by allowing Sean Carney who was identified from a New Jersey Driver's License, to work in your premise without a valid ABC work permit for License year 2013-2014 in violation of N.J.S.A. 33:1-31h

33:1-31. Suspension, revocation of license. Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the director, or the other issuing authority may suspend or revoke any license by it, for any of the following causes: h. *Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body; City of Bayonne City Ordinance 6-6.2 Work Permit Required for Employment:*

All persons employed by any Retail Consumption, Club or Retail Distribution licensee shall obtain a work permit issued by the Department of Law Enforcement before commencing employment. Application for such work permit shall be made in person to the A.B.C. Bureau of the Police Department. Licensees and their employees shall be bound by the following rules and regulations:

- a. Every licensee, agent, bartender, waiter, waitress or other employees shall make full and complete answers on prescribed forms furnished by the Department of Law Enforcement.
- b. Every licensee, agent, agent, or any other employee, connected with or employed by the license shall submit to the taking by the Department of Law Enforcement of impressions of the thumb and fingertips of both hands and taking of photographs, and shall authorize a criminal record check to be made. The applicant shall pay a fee of twenty-five (\$25.00) dollars to the City of Bayonne by check or money order for the work permit. The applicant shall also pay by money order payable to "Division of State Police-S.B.I.," a fee for the processing of fingerprints and a criminal record check which shall be the current fee established by the State Police at the time of the application.
- c. Upon approval of a work permit for an applicant, the Department of Law Enforcement shall furnish to the licensee at whose premises the applicant for a work permit is to be employed at work permit in the form of an identification card showing compliance with the provisions of this subsection which shall be kept on file on the licensed premises and shall be produced upon demand by the Police

Officer, Law Enforcement Agent or other person authorized to enforce the Alcoholic Beverage Control Laws of the State of New Jersey at any time. Work permits shall only be issued for employment at a specified licensed premises and may not be transferred to any other licensed premises. A duplicate permit shall be issued to any approved employee for employment at an additional licensed premises upon application for same.

- d. Upon the termination of employment for any reason of any holder of a work permit issued pursuant to the subsection, the licensee shall notify the A.B.C. Bureau of the Police Department. The A.B.C. Bureau shall recover the identification card for such employee for the license and shall keep it on file. If at any time within five (5) years of the termination of employment the employee seeks reemployment at the same or a different licensed premises, a work permit shall be issued upon application for renewal and payment of the renewal fee as hereinafter provided. If application for re-issuance of the work permit is made while the permit is still in effect, it shall be re-issued at no charge. If application for re-issuance for a different premises is made while the permit is still in effect, it shall be re-issued upon payment of the fee for a duplicate permit as provided in paragraph c.
- e. Work permits issued pursuant to this subsection shall be valid for a period of one (1) year commencing July 1 and shall expire on June 30 of the license year for which the work permit has been issued. Before expiration of the work permit, all persons to whom such permits have been issued shall apply for renewal. Applicants for renewal shall pay a renewal fee of fifteen (\$15.00) dollars payable to the City of Bayonne by check or money order, shall consent to a criminal record check through the State Police and shall pay the current fee established by the State Police for the record check by money order payable to "Division of State Police – S.B.I." Annual renewal of work permits shall not apply to those individuals, partners, corporate officers or shareholders who are listed as the owners of licenses on the license application filed with the City Clerk and the State Division of A.B.C., provided they have been fingerprinted, photographed and had their records checked in connection with the issuance or transfer of their license.
- f. The application procedures established by this subsection shall apply to all applications for new work permits and to all applications for renewal.

Synopsis of incident:

Bayonne Police File #2013-15268:

On 3/2/2013 at approximately 3:10 A.M. Det. Sgt. Gonzalez and Det. Galano conducted an ABC inspection of your licensed premises. Upon entering your licensed premises, they observed approximately 10 patrons milling about. A check of the entire premises revealed no additional patrons. Det. Sgt. Gonzalez walked out to the main bar area of the premises and encountered a female, identified as Allison Coles for a New Jersey Driver's License. He observed Ms. Coles holding a glass with clear liquid and ice, she then consumed a portion of the liquid. Det. Sgt. Gonzalez asked her what she was drinking and she responded "Kettle One and Club".

Det. Sgt. Gonzalez turned his attention to the employees behind the bar and asked a male and female to produce their Bayonne ABC work permits. The male identified as Sean Carney, he stated he had not obtained an ABC work permit for this year. The female was identified as Amanda Cavanaugh from a valid ABC work permit. Ms. Cavanaugh and Mr. Carney were informed of the violation and the special complaint summonses would be issued.

On 7/27/2013 at approximately 3:03 a.m. Det. Lillo conducted an A.B.C. inspection of your licensed premises. Upon entering your licensed premises, Det. Lillo observed 2 patrons standing at the bar area. Det. Lillo conducted a search of your premise and found no other patrons. When in the main bar area of the premises he encountered a female, identified as Amanda Cavanaugh (the bartender) when asked Ms. Cavanaugh, provided a valid ABC work permit. The two identified patrons, were Gianfranco Wilbeck, who was drinking a bottle of Corona Light Beer and Ryan Zabinski, who was drinking a glass of Vodka and Orange Juice.

Ms. Cavanaugh was informed of the violations and that special complaint summonses would be issued.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby receives and files disciplinary charges preferred by the Chief of Police against Remajules LLC t/a Seventyseven, holder of Plenary Retail Consumption License No. 0901-33-097-008, for premises located at 747 Broadway , Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, October 17, 2013 , at 6:00 P.M. and the Council Chambers, or the Municipal Court Room, Municipal Building, 630 Avenue C, Bayonne, NJ, as the time and place when and where the Board will meet to hear and consider such charges; and be it further

RESOLVED, that the Board Secretary be and is hereby directed to notify the licensee to show cause why the license should not be suspended or revoked.

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, 2013 through June 30, 2014, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-44-067-004	A Horlick Inc. t/a	

Harry's Wine Cellar

297 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.

WHEREAS, Hi Hat Club, Inc., holder of Plenary Retail Consumption License No. 0901-33-065-003, 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, 2014-2015 and 2015-2016 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Hi Hat Club, Inc., 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. 0901-33-065-003 for the period commencing July 1, 2013 through June 30, 2014, be granted.

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.

WHEREAS, James A. Sucato, holder of Plenary Retail Consumption License No. 0901-33-022-010, 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 TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said James A. Sucato, 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. 0901-33-022-010 for the period commencing July 1, 2013 through June 30, 2014, be granted.

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, Chibay LLC, holder of Plenary Retail Consumption License No. 0901-33-100-005, 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 TERM PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Chibay LLC, 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. 0901-33-100-005 for the period commencing July 1, 2013 through June 30, 2014, be granted.

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, PARD LIQUORS, LLC t/a City Line Liquors, located at 1347 Kennedy Blvd., (Store #4) in the City of Bayonne, County of Hudson, State of New Jersey, has made application for the place to place transfer of Plenary Retail Consumption License with Broad Package Privileges No. 0901-32-037-005 for premises located at 1347 Kennedy Blvd. (Store #4), in the City of Bayonne, to premises located at 1347 Kennedy Blvd. (Store #4 and #5) in the City of Bayonne, and there being no good cause why the said transfer should not be allowed; now, therefore, be it

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; now, therefore be it

RESOLVED, that Plenary Retail Consumption License with Broad Package Privileges No.0901-32-037-005, above described, be and is hereby transferred from premises located at 1347 Kennedy Blvd. (Store #4) to premises located at 1347 Kennedy Blvd. (Store #4 and #5), both 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 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 September 27, 2013.

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.

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2012 through June 30, 2014, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-33-071-005	John's Midtown Tavern, Inc.	347 Avenue E

Ayes - Board Member Colasurdo and Chairman McCabe.

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08. 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>
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Robert F. Sloan, Secretary