

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 THURSDAY, JULY 31, 2014.

The Board met at 12:03 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 Special Meeting of the Alcoholic Beverage Control Board of the City of Bayonne of July 31, 2014 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 29, 2014."

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

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

July 28, 2014

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

RE: Special Meeting
Thursday, July 31, 2014

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 Thursday, July 31, 2014 at 12:00 P.M., in the City Clerk's Office. The meeting is called for consideration of the following matters:

1. Call of the Meeting.

2. Approving the annual renewal of Plenary Retail Consumption Licenses for the 2014-2015 Liquor License period.
3. Approving the annual renewal of Plenary Retail Consumption Licenses with Broad Package Privileges for the 2014-2015 Liquor License period.
4. Receipt of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-117-011 held by San Kan LLC t/a Thai O'Brien's for premises located at 57 East 32nd Street, Bayonne, NJ and fixing hearing date.
5. Receipt of disciplinary charges preferred by the Chief of Police against Plenary Retail Consumption License No. 0901-33-106-003 held by 263 Broadway Inc. t/a Danny Boys Pub for premises located at 263 Broadway, Bayonne, NJ and fixing hearing date.
6. Approving minutes of Meeting held June 26, 2014.
7. Resolution to cancel the Regular Meeting scheduled for Thursday, July 31, 2014 at 6:00 PM

Very truly yours,

/s/ H. Mickey McCabe, Chair

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.

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2014 through June 30, 2015, be granted to the following licensees:

<u>LICENSEE</u>	<u>LICENSED PREMISES</u>	<u>LICENSE NO.</u>
0901-33-060-008	Soghra Entertainment, LLC t/a A & W Steakhouse	456 Avenue C
0901-33-125-003	Carmela's Piccola Cucina, LLC t/a Carmela's Piccola Cucina	578 Avenue C

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.

RESOLVED, that the renewal of Plenary Retail Consumption Licenses with Broad Package Privilege for the period commencing July 1, 2014 through June 30, 2015, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-32-140-007	Lady Bella Liquors, Inc. t/a Shop Rite Liquors	567-589 Avenue C

Ayes - Board Members Colasurdo and Chairman McCabe.

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04. 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.

July 9, 2014

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

Dear Commissioners,

Attached hereto is a synopsis of a case against Sin Kan LLC (Thai O'Brien's), located at 57 East 32nd Street Bayonne, N.J., and holder of Plenary Retail Distribution Liquor License Number 0901-33-117-0011.

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

NUIS-1-N	Prohibition of Immoral Activities; Disturbance Nuisance on Premise (2 Counts)
HRS1	Violation of Ordinance; Closing Provisions
HRS2	Violation of Ordinance; Closing Provisions
ORDIN	Violation of Any Municipal Ordinance (2 Counts)

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

Drew Niekrasz
A/Chief of Police
City of Bayonne

Synopsis of Case

License: Plenary Retail Distribution License
Number: 0901-33-117-011
Owners: Sin Kan LLC
T/A: Thai O'Brien's
Location: 57 East 32nd Street, Bayonne, NJ

Registered agent: Thomas Ma

Persons Involved:

Police: Detective Timothy Donaway #236

Bartender: David George

Patrons: Antonio Dyer
Thomas Napier
Erik Vanderbeck
Danielle Stanton

Complaining Officer: Detective Timothy Donaway #236

A.B.C. Supervisor: Captain Walter Rogers
Sergeant Anthony Gonzalez

Violations

NUIS 1-N

On January 19, 2014, at approximately 02:34 hrs. , you allowed, permitted or suffered your licensed place of business to be conducted in such a manner as to become a nuisance adversely affecting the quality of life of the municipality in which the license is sited, viz., by allowing unruly and disorderly patrons to exit you establishment and create a disturbance on the adjacent sidewalk requiring a police response and the police to disperse your patrons.

On May 25, 2014, at approximately 03:24 hrs., you allowed, permitted or suffered your licensed place of business to be conducted in such a manner as to become a nuisance adversely affecting the quality of life of the municipality in which the license is sited, viz, by allowing intoxicated and unruly patrons exit your establishment and create excessive noise outside of your establishment which required two (2) neighboring citizens to summon the police to disperse your patrons.

13:2-23.6 Prohibition against immoral activities; disturbance; nuisance on premises

(b) Every Licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employee and patrons, if such conduct is contrary to the public health, safety and welfare.

HRS 1

On May 25, 2014, at approximately 03:24 hrs., you sold or delivered alcoholic beverages before or after the legal hour of sale as set forth in a Municipal Ordinance or in the Division of Alcoholic Beverage Control's regulation, viz., by allowing alcoholic beverages, specifically bottles of "Corona" and "Coors Light" brand beer, available and readily accessible on the bar counter top in the possession of patrons: Antonio Dyer, Thomas Napier, Erik Vanderbeck and Danielle Stanton, in violation of N.J.S.A. 33:1-31H, N.J.A.C. 13:2-38.1 or 38.2.

§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 be 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.

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 beverage 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 holidays, 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.

HRS 2

On May 25, 2014, at approximately 03:24 hrs., you allowed, permitted or suffered the presence of non-employees on the licensed premises before or after the legal hours of sale as set forth in a municipal ordinance, viz., by allowing your establishment to remain open, unlocked and accessible to patrons between the hours set forth in the prescribed municipal ordinance.

6-5.1 Hours of Operation

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

Weekdays, except Saturdays, Sundays and legal holidays, 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.

ORDIN

On January 19, 2014, at approximately 02:34 hrs., you engaged in, allowed, permitted or suffered the violation of a municipal ordinance(s) or regulation(s) of the issuing authority or municipal governing body, viz., by allowing your patrons to exit your establishment in a loud and unruly manner requiring the police to be summoned to disperse your patrons. (Ordinance 3-1.10j)

On May 25, 2014, at approximately 03:24 hrs., you engaged in, allowed, permitted or suffered the violation of a municipal ordinance(s) or regulations(s) of the issuing authority or municipal governing body, viz., by allowing your patrons to exit your establishment in a loud and unruly manner requiring the police to be summoned on two (2) occasions to disperse your patrons. (Ordinance 3-1.10j)

§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 be 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.

Ordinance 3.1-10(j) It shall be unlawful for the owner of any restaurant, bar, café, eatery, or any other commercial establishment in the City of Bayonne to allow its

patrons to make, continue or cause to be made or continued, between the hours of 10:00 p.m. and 8:00 a.m., any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of other, while said patrons are on any public or private sidewalk outside of the commercial establishment, including but not limited to when said patrons are on sidewalk outside the commercial establishment for purposes of smoking or waiting on line, and also including but not limited to when said patrons are on sidewalk outside the commercial establishment pursuant to the "Sidewalk Cafes and Outdoor Seating" Ordinances, Chapter 21, Article 32 of the revised General Ordinances of the City of Bayonne.

1972 Code-6-2.0; Ord. No. O-01-47; Ord. No. O-11-24)

File 2014-34673

On May 25, 2014, at approximately 03:24 hrs. Detective Donaway conducted an A.B.C. check on Thai O'Brien's. Upon arrival, Detective Donaway observed several patrons exiting the establishment after the mandatory closing time (03:00 hrs.). Detective Donaway described these patrons as being intoxicated and extremely loud. Detective Donaway then entered the establishments and observed Dave George (the bar manager) along with several patrons milling around inside of the establishment. Detective Donaway also observed numerous alcoholic beverages on the bar countertop with included 12 oz bottles of "Corona" and "Coors Light" brand beer. Detective Donaway then conducted a time check with headquarters in the presence of Mr. George. Headquarters confirmed the time of 03:36 hrs. Mr. George stated to Detective Donaway that he has just separated a fight between two of his patrons. Mr. George was questioned by Detective Donaway and asked why he did not summon the police for assistance. Mr. George became evasive and provided conflicting accounts regarding who was involved in the brawl or where it occurred. Detective Donaway also questioned the patrons regarding the alleged brawl. The patrons were uncooperative and refused to answer any questions regarding the alleged brawl.

Upon completion of the A.B.C check, Detective Donaway confirmed all patrons vacated the establishment by conducting a "walk through". Detective Donaway then exited the bar and heard a loud group of people yelling outside. It was at this time that Detective Donaway also monitored headquarters dispatching patrol units to 475 Avenue E to investigate a report of a loud group yelling on the callers porch (CC#2014-34675). Detective Donaway observed this unruly and disorderly group and confirmed that they were indeed the same individuals he contacted during his check of Thai O'Brien's. The group was ordered to disperse and leave the area by Detective Donaway and responding patrol units.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby fixes Thursday, August 21, 2014, at 6:00 P.M. and the Dorothy E. Harrington 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 disciplinary charges preferred by the Chief of Police against Sin Kan LLC t/a Thai O'Brien's, holder of Plenary Retail Consumption License No. 0901-33-117-011, for premises located at 57 East 32nd Street, Bayonne, NJ; 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 Members Colasurdo and Chairman McCabe.

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05. 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.

July 9, 2014

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

Dear Commissioners,

Attached hereto is a synopsis of a case against 263 Broadway Inc. (Danny Boys Pub), located at 263 Broadway Bayonne, N.J., and holder of Plenary Retail Distribution Liquor License Number 0901-33-106-003.

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

NUIS-1-N Prohibition of Immoral Activities; Disturbance Nuisance on
Premise

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

Drew Niekrasz
A/Chief of Police
City of Bayonne

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Synopsis of Case

License: Plenary Retail Distribution License
Number: 0901-33-106-003
Owners: 263 Broadway, Inc.
T/A: Danny Boys Pub
Location: 263 Broadway, Bayonne, NJ

Registered agent: Arthur Gallagher
261 Broadway
Bayonne, NJ 07002

Persons Involved:

Police: Detective Damon Galano #239
Detective Timothy Donaway #236

Bartender: Maria Novella

Complaining Officer: Detective Damon Galano #239
Detective Timothy Donaway #236

A.B.C. Supervisor: Captain Walter Rogers
Sergeant Anthony Gonzalez

Violations

NUIS 1-N

On the below listed dates, you allowed, permitted or suffered your licensed place of business to be conducted in such a manner as to become a nuisance adversely affecting the quality of life of the municipality in which the license is sited, viz., Incident 1 – At 00:49 on 1/11/14, CC#2014-2409, Incident 2 – at 23:18 on 1/17/2014, CC#2014-4081, Incident #3- At 22:40 on 01/10/2014, CC#2014-2383, Incident #4 – At 01:38 on 5/10/2014, CC#2014-31176, Incident #5 – At 02:27 on 5/17/2014, CC#32748 in violation of N.J.S.C. 13:2-23.6(b).

13:2-23.6 Prohibition against immoral activities; disturbance; nuisance on premises

(b) Every Licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employee and patrons, if such conduct is contrary to the public health, safety and welfare.

NARRATIVE

The summation of the above incidents over the last several months are as follows:

- 1) Excessive noise from loud music and intoxicated patrons in and outside of the establishment.
- 2) Lack of security to prevent unruly patrons.
- 3) Unruly patrons in the immediate vicinity of establishment.
- 4) Excessive littering in the immediate vicinity of the establishment.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby fixes Thursday, August 21, 2014, at 6:00 P.M. and the Dorothy E. Harrington 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 disciplinary charges preferred by the Chief of Police against 263 Broadway, Inc. t/a Danny Boy's Pub, holder of Plenary Retail License No. 0901-33-106-003, for premises located at 263 Broadway, Bayonne, NJ; 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 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, June 26, 2014, be and the same are hereby approved.

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.

RESOLVED, That the Regular Meeting of the Alcoholic Beverage Control Board scheduled for Thursday, July 31, 2014 at 6:00 PM is hereby cancelled.

Ayes - Board Members 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 Club Licenses for the period commencing July 1, 2014 through June 30, 2015, be granted to the following licensees:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-31-167-001	Flournoy Gethers Post 7470 VFW of US	33-35 West 19 th Street

Ayes - Board Members Colasurdo and Chairman McCabe.

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At 12:10 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