**MINUTES OF THE REGULAR MEETING OF THE LINDEN**

**BOARD OF ALCOHOLIC BEVERAGE CONTROL HELD**

**WEDNESDAY, AUGUST 9, 2017**

A regular meeting of the Linden Board of Alcoholic Beverage Control was held in City Hall, 301 North Wood Avenue, Linden, NJ on Wednesday, July 12, 2017 at 4:03 p.m.

Commissioner Chesney called the meeting to order and announced that the Notice of this meeting stating the date, place and time was disseminated under the Open Public Meetings Act.

A roll showed the following members in attendance:

Commissioner Callahan

Commissioner Chesney

\*Chairman Cornwell was excused

Also present was A.B.C. Secretary Joseph C. Bodek; and ABC attorney Nicholas.

Approval of Minutes

Mr. Chesney moved for the approval of the minutes of the meeting of July 12, 2017. The motion was seconded by Mr. Callahan and was unanimously ordered approved by a roll call vote.

**Declaring 2009-33-040-044 a “Dead License”**

Mr. Bodek provided the history of the license and what the statue and code called for. He then presented the following resolution for consideration by the Board:

**RESOLUTION DECLARING**

**LICENSE #2009-33-040-011 HELD BY**

**THREE DIAMONDS OF NJ, LLC.**

**AS A “DEAD LICENSE IN HISTORY”**

**WHEREAS,** Club License Number 2009-33-040-011, issued to Three Diamonds of NJ, LLC. did not file for renewal for the 2016 – 2017 licensing term; and

**WHEREAS,** Three Diamonds of NJ, LLC failed to file the required renewal application for the 2016-2017 licensing term with the issuing authority prior to the beginning of the license term, or not later than thirty days after the expiration of its license as required by N.J.S.A 33:1-12.18; and

**WHEREAS,** Three Diamonds of NJ, LLC. failed to petition the State Director within one year (until July 30, 2017) following the expiration of the license renewal period and request a Special Ruling to permit the filing of an application for a new license upon failure to timely renew; and

**WHEREAS,** Three Diamonds of NJ, LLC also failed to file the required renewal application, and fees for the 2017-2018 licensing term with the issuing Authority.

**BE IT RESOLVED** that the Board of Alcoholic Beverage Control does hereby declare Plenary Retail Consumption License 2009-33-040-011, issued to Three Diamonds of, N.J., LLC as a “dead license in history”; and

**BE IT FURTHER RESOLVED THAT THE** State of New Jersey, Division of Alcoholic Beverage Control, is hereby advised of same and requested to adjust their records accordingly.

Mr. Callahan moved for the approval of the Resolution. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a roll call vote.

**Consideration for the Person to Person transfer of License #2009-33-041-008**

Mr. Bodek gave an update on the status of the application and asked for the board to continue the public hearing.

Mr. Chesney moved to continue the Public Hearing on the transfer of 2009-33-041-008 Hutnik, LLC t/a Abigail’s Café to Guevara Brothers, LLC t/a Abigail’s Café. The motion was seconded by Mr. Callahan and was unanimously ordered approved on a roll call vote.

**Pre-Hearing on charges against License #2009-4-065-005, JPOM, LLC t/a Parkview Tavern**

Mr. Scutari allowed Mr. Kologi, who was retained as legal counsel by Parkview Tavern to address the board.

Mr. Kologi thanked the board for allowing him to attend the meeting and assured the board that his client’s best interest is to remain good corporate citizens. Mr. Kologi noted the regulations for the industry and had no objections to the board expressing their wants.

Mr. Scutari briefly stated past conditions imposed on establishments.

Mr. Kologi spoke on the issues of noise complaints and the types of noise that were reported.

Mr. Scutari responded to Mr. Kologi and explained that it was not only the noise of patrons inside the establishment but also the disturbances created by crowds when leaving. He then mandated either a Police or private security detail plan.

**EXECUTIVE SESSION**

WHEREAS, The Open Public Meeting Act (OPMA) (NJSA 10:4-6 et seq) provides that a public body may go into Executive Session to discuss certain matters from which the public may be excluded; and

NOW IT IS THEREFORE RESOLVED by the Governing Body of the City of Linden that it move into Executive Session to discuss the following matters:

1.Litigation

The results of these discussions will be made public when the need for confidentiality no longer exists. Same may be made public at the public meeting, or in the case of litigation or negotiations, when same is concluded.

Mr. Callahan moved the resolution for executive session. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a voice vote. The board moved into executive session at 4:15 pm.

Mr. Scutari gave the board a few examples of what he has done in court in similar circumstances. He suggested the board allows the Licensee to submit a plan of action. A discussion followed on what should be included in the plan and the penalty for charges brought.

The board members agreed to allow the Licensee to develop a security plan to be presented to the board for approval at the September 13, 2017 meeting.

Mr. Chesney moved to return to public session. The motion was seconded by Mr. Callahan and was unanimously ordered approved by a voice vote. The board returned to public session at 4:27 pm.

Mr. Scutari advised Mr. Kologi and the Licensee of the discussion noting that they must provide the following:

1. Licensed Security Detail
2. Weapons and ID Checks at the door
3. Rear patio must close at 11:00 pm.

Mr. Kologi stated that a plan will be drafted and provided for review to the board.

The licensee also questioned the board whether or not he would be penalized for calling the police for legitimate reasons. Mr. Scutari along with the commissioners responded and assured the licensee that the police are there to help and not to be afraid to call when problems arise.

**Public Comment**

There was no public comment.

There being no further business to come before the Board, Mr. Chesney moved to adjourn the meeting.

The motion was seconded by Mr. Callahan, and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 4:34 pm.

Respectfully submitted,

Joseph C. Bodek

A.B.C. Secretary