

ALCOHOLIC BEVERAGE CONTROL BOARD

City Hall, 94 Washington Street
Hoboken, New Jersey 07030
Tel: 201-420-2396 Fax: 201-420-5644

DAWN ZIMMER
Mayor



Robert W. Phillips, Chairman
Michael Blumenfeld, Vice Chairman
Steven Bauman, Commissioner

**Minutes of the June 11, 2015
Alcoholic Beverage Control Board Meeting**

The meeting was called to order at 6:07p.m.
The Open Public Meeting Act statement was read by Suzanne Hetman, Board Secretary.

ROLL CALL:

BOARD MEMBERS	
Chairman Robert W. Phillips	ABSENT
Vice Chairman Michael Blumenfeld	✓
Commissioner Steven Bauman	✓

Also Present: Suzanne Hetman, board secretary; Alysia Proko, attorney for the board; Jon Tooke, Director of Public Safety; and Daisy Amado, recording secretary. Peter Robinson, intern from Corporation Counsel’s office, sat in on the meeting per Alysia Proko.

APPROVAL OF THE MINUTES OF THE MAY 14, 2015 MEETING:

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld		✓	✓			
Commissioner Bauman	✓		✓			

PERSON TO PERSON TRANSFER OF A ‘POCKET’ LICENSE

(1) Liquor License #0905-33-036-001, VICTORIA FATOVIC AS EXECUTRIX TO THE ESTATE OF VJEKOSLAV FATOVIC TO FATOVIC, VICTORIA, 2 Marianne Terrace, Secaucus, New Jersey 07094

Board secretary advised this is Mario’s Bar which has been closed since December. The license was originally under Victor’s name but he passed away and it went to the estate. Now they want to transfer from the estate to Executrix. Board attorney asked for any documents from the State. Board attorney will call Victoria Fatovic and discuss whether she has any authority to put in writing or any documentation from the State.

Move to carry to next meeting so we can clarify with executor/administrator of the estate.

BOARD MEMBER	Move	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

HEARINGS

(1) Liquor License #0905-33-133-008, RIVER STREET LIQUOR, LLC d/b/a Cadillac Cantina, 80 River Street, Space 1D & 1E, Case number 14-16

Robert Williams, attorney appeared before the board on behalf of licensee with James McHugh and entered a non-vault plea. Board attorney respectfully requested the board use their original plea schedule of zero days with five held in abeyance as this is their first offense. She also reviewed tavern sheets which are clear of any occurrences. Short discussed ensued among the board.

Move to accept plea of non-vault.

BOARD MEMBER	Move	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

Move penalty of non-vault plea to zero served with five held in abeyance.

BOARD MEMBER	Move	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

(2) Liquor License #0905-33-054-009, JDRV, LLC d/b/a Black Bear Bar & Grill, 205 Washington Street, Case number 15-4

John Seura attorney on behalf of Black Bear appeared before the board. Asked if he and his client may be excused (went outside the meeting room). Once they returned, board attorney advised she reviewed this case and additional follow-ups on bar. She believes there is probable cause, however there are no incidents since November 2012, so she recommends the board use their old plea schedule again of: zero days with five held in abeyance. Short discussed ensued among the board.

Move to accept the plea of no days served and five held in abeyance.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

Board attorney requested to go off agenda to discuss the Texas Arizona matter. She advised the board that Chief Ferrante was not the Chief at the time of the incident and that Hoboken Police Department was not in command at the scene. There was one Hoboken police officer that was outside of the scene. Port Authority police was on the scene and they were within their jurisdiction. They are not forthcoming with information because of their ongoing investigation into this matter. From what the board attorney read, Texas Arizona did what they could. The Port Authority graduates were stealing bottles, and pushed a female employee. Manager of Texas Arizona has a lot of family in the Port Authority police department. Hoboken Police Department was not called, that one police officer outside is how we got the information. Per Director Tooke, this is a large administrative investigation. To get witnesses to come forward would be impossible. We are stuck with Port Authority’s investigation. Per board attorney, Port Authority files to the

State in connection to their investigation concerning internal employees. The State will take care of it. Board asked if we could table this matter to follow-up with the State. Board attorney will give them a call. Board wants this matter followed until closure. Per Director Tooke, at a minimum we need to have a tavern sheet created, as a matter of policy.

Agenda resumed.

NEW BUSINESS

- Board discussion on amendment to Section 68-7 – Five Hundred Foot Rule

Board attorney advised that there was an Ordinance adopted on May 27 and published – went through the correct process. Discussion ensued about the Council confusion on this matter. Changes were made to section A of the Ordinance, on Titles 33 and 32 licenses. The Ordinance amendment cannot be within 500 feet with broad package privileges. License 32s are separated. Board asked if they can have a list of all 32 licenses in the city. Per board attorney, she discussed this with the Business Administrator who said they want to allow for restaurants with bar area where redevelopment is occurring. Board attorney advised the Board they can send a letter to the City Council as Commissioner Bauman mentioned we should send a letter advising of the Board’s ability to assist them with these types of matters. Board attorney will draft a letter.

CLOSED SESSION

PURPOSE: DISCUSS PENDING LITIGATION

Vice Chairman Blumenfeld moved to go into closed session at 6:44p.m.

BOARD MEMBER	Move	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

Vice Chairman Blumenfeld motioned to come out of close session at 7:08p.m

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips						✓
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

Motion to adjourn the meeting made by Vice Chairman Blumenfeld.

The meeting was adjourned at 7:08p.m.