

ALCOHOLIC BEVERAGE CONTROL BOARD

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DAWN ZIMMER
Mayor



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

Minutes of the June 22, 2017 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:10p.m.

The Open Public Meeting Act statement was read by Suzanne Hetman, Board Secretary.

ROLL CALL:

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

Also Present: Suzanne Hetman, board secretary, Ben Choi, Esq., attorney for the board; Alyssa Bongiovanni, Esq., Scott DeRosa, Esq., and Chirali Patel, Esq., attorneys from Corporation Counsel's office as prosecutors for board; and Daisy Amado, recording secretary.

Approval of the Minutes of the June 8, 2017 meeting

Board inquired whether board attorney prepared resolution with special conditions for East LA as noted in the June 8, 2017 minutes. Scott DeRosa advised he has a call in to the police department for their recommendations and will follow-up next week; Ben Choi advised the amendment has been drafted and will be part of renewal.

Motion to approve the minutes.

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

2017-2018 Liquor License Renewals – Exhibit C

Board reviewed Exhibit C. Per board secretary, she is removing license number 0905-33-064-005 from the last page of Exhibit C and adding liquor license number 0905-33-052-011 Sky Boy, Inc., d/b/a/ Northern Soul, 700 First Street, Hoboken. Additionally, board discussed Biggie's Clam Bar at 318 Madison, the license is still located there it is just inactive.

Motion to renew licenses on Exhibit C for 2017-2018 removing liquor license number 0905-33-064-005 and adding liquor license number 0905-33-052-011.

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

2017-2018 Liquor License Renewal: Liquor License #0905-32-032-007, Yacht Club, d/b/a Pier 13, 1301 Sinatra Drive

Matthew McDowell, Esq. on behalf of the licensee with Rebecca Tarantino for the license appeared before the board and Ms. Tarantino was sworn-in. Board attorney read into the record a non-confidential memorandum he prepared for the board of his review of this license and his recommendation to renew the license. In the memo, Mr. Choi provided the general charge and the responsibility of the ABC Board; the history of fire code violations issued against the licensee which resulted in a “piecemeal settlement” and said violations were abated. Also included in the memo were various comments from the following confirming the settlement and all agreeing with no issues as to the renewal of this license: Ronald Cucchiaro, Esq., outside counsel for the City, Hoboken Police Chief Ken Ferrante, Captain Steven Divincent, Hoboken Fire Official, Ann Holtzman, Zoning Officer for the City, and Mario Patruno, Construction Official. Past Complaints and Safety Incidents with the dates and action taken were also listed in the memo. Mr. Choi did state that the ABC Board was not informed of a settlement with the City with respect to the prior fire code violations until recently. He did recommend approving the license and if any conditions were to be set, he agreed with Ms. Holtzman’s regarding the limitation of serving hours to conclude at 11pm.

Commissioner Bauman stated he finds Chief Ferrante’s comments in the memo alarming. Attorney for license stated this location is open space. Discussion as to engineering report submitted to prior board attorney, Alysia Proko and his client submitted her own report. Commission Bauman read into the record a portion of the Police Chief’s comment per Ben Choi’s memo:

...“He indicated that there were initial conversations of a maximum occupancy of 400 but that he would have agreed to about 700 to 800. He expressed a general concern for public safety and counter terrorism issues with having occupancy levels at the current rate. However, he also indicated that the licensee was effectively operating the license with only a minimum amount of problems.”...

Commissioner Bauman inquired if there is any way for the Police Chief or Fire Department Captain to sign off on this. Board attorney advised Fire Department signed off, Police Chief did not. Commissioner Bauman questioned where the board finds that the Fire Department signed off on it. Board attorney advised they signed off per his conversation with Captain Divincent, but he does not have a physical document. Commissioner Bauman stated the Police Chief says something alarming, we have a missing report on the integrity of the pier itself, it is alarming to put 1300 people out there. He asked Ms. Tarantino who enforces occupancy levels she advised they have a team of bouncers and staff and the staff is heavier on the weekends as opposed to a

Monday or Tuesday. Ms. Tarantino further advised that her management team took courses with the Morris County Fire Marshall and there are individuals assigned tasks throughout the day; there are about a dozen to sixteen security professionals, one certified out of the sixteen. Mr. McDowell stated the report was dated April 2016 by Basil Engineering and was 28 pages by City's Engineer and was submitted to Ms. Proko and showed no issues with structural integrity. Board asked if the sixteen staff members read the report and Ms. Tarantino said yes. She also said the staff has specific posts and they know where the flotation devices and fire extinguishers are they are strategically placed.

Commissioner Bauman asked if they have an active shooter response or plan. Mr. McDowell stated that with all do respect this matter has been settled and his client is happy to answer questions but the board is now going beyond the scope of the renewal. Mr. McDowell stated his client is not qualified to answer questions on the operation of the pier. He asked Commissioner Bauman if he asks that question to other license holders. Commissioner Bauman requested that Mr. McDowell be given a copy of the board attorney's memo so that he could read the police chief's comments. Mr. McDowell reviewed and stated he does see what he says and that's that there is no ABC issue and no reason why license should not be renewed. Board attorney did agree with counsel in regards to occupancy levels being a Construction and Fire issue not ABC. Mr. Choi further stated that the active shooter question is valid. Commissioner Bauman asked if we have any other venues with occupancy of 1800 or any other no roof/no walls surrounded by the Hudson River venues. He further stated this is a pretty huge establishment and no sign off from police chief or fire chief. Mr. McDowell said he could submit to the board emails from Captain Divincent and Ron Cucchiaro that the matter was settled.

Ben Choi advised that everyone he spoke to and mentioned in his memo was informed of the hearing tonight. Commissioner Bauman asked if the security on staff is a third party – Griffins employees. Manager of Pier 13 is the head of security.

Commissioner Bauman asked if we can have a sign off from both chiefs as a condition stating that this covers the health, safety and welfare of patrons. Mr. Choi can make that request. Commissioner Bauman mentioned that regularly we have police representation at the ABC meetings to provide the board with feedback as to what they think.

Board secretary advised that tonight is the last time the board meets before the license expires on June 30th and if it is not renewed tonight licensee would have to apply for an ad interim license. Next board meeting is scheduled for July 13.

Vice Chairman Blumenfeld stated the board has valid concerns however the licensee has the right to continue, the world we live in we need to up our game especially that we are in the metropolitan area. These same concerns come up when the City shows movies or when the church holds its annual feast. Valid recommendations and suggest we renew license as we want to make sure safety first.

Ben Choi mentioned he does not know exact words Chief Ferrante use but he did say that Pier 13 runs a tight shift. Captain Divincent noted that occupancy level is 800, 900 1000 – doesn't recall exactly.

Move to approve the license with the condition that no food or alcohol be served after 11pm.

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

Matthew McDowell advised that they would appeal the condition within one week to the State.

2017-2018 Liquor License Renewal: Liquor License #0905-44-006, Zafar, Chudhry & Qaisara, d/b/a/ Hoboken Liquor & Deli

Board secretary advised this matter is ‘not ready’ and would not be on for tonight.

HEARINGS

Liquor License number 0905-33-063-010, 230 Washington Street Partners, LLC, d/b/a Hoboken Bar & Grill, 230 Washington Street, Case number 16-36 and Case number 17-01

Anthony Arnone, Esq., attorney for 230 Washington Street Partners and Joe Napolitano for the licensee appeared before the board and Mr. Napolitano was sworn-in. Alyssa Bongiovanni, Esq., Hoboken ABC Prosecutor advised the board that this matter involved two ABC pending charges, Case numbers 16-36 and 17-01. Alyssa further advised that the parties have come to a plea agreement for the charge in Case number 17-01 which involved a brawl on or about January 1, 2017. The penalty for this charge is five day suspension to begin on a Sunday, same day of incident, August 6, 2017 with an additional two days held in abeyance. The licensee agrees that should any charges be sustained within a one year period from the date of the Agreement, they shall be required to serve the days held in abeyance. In consideration for licensee pleading non-vult to Case number 17-01, the remaining charges contained in Case number 16-36 shall be dismissed. Board asked license holder what happened as they usually never have any charges, Mr. Napolitano advised it was New Year’s Eve.

Motion to accept the plea agreement.

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

NEW BUSINESS

- Board Secretary distributed list of licenses that as of July 1st will need ad interims in order to continue. If the license holders do not come in within the next week, she will give the list to Hoboken Police Department and they will have to check if they have ad-interims and if not, close them down.
- Commissioner Bauman requested to go on the record stating that the board did not know until a few weeks ago about a settlement from September 2016 involving Pier 13. This was not memorialized. He is surprised no one knew and he asked about this establishment several months ago. Board discussed whether there are any other matters they are not aware of or up to speed on.

Motion to adjourn the meeting was made by Chairman Phillips, seconded by Commissioner Bauman and all three members unanimously agreed to adjourn the meeting.

The meeting was adjourned at 7:12p.m.