

# ALCOHOLIC BEVERAGE CONTROL BOARD

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RAVINDER S. BHALLA  
Mayor



Robert W. Phillips, Chairman  
Steven Bauman, Vice Chairman  
Paul Blanos, Commissioner

## Minutes of the April 12, 2018 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:16 p.m.

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

### ROLL CALL:

BOARD MEMBERS	
Chairman Robert W. Phillips	X
Commissioner Steven Bauman	X
Commissioner Paul Blanos	ABSENT

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

### Approval of the Minutes of the March 22, 2018 meeting

#### *Motion to approve the minutes.*

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips		X	X			
Vice Chairman Bauman	X		X			
Commissioner Blanos						X

### Person to Person Transfer:

#### **Liquor License #0905-33-083-005, Guerin & Wall Enterprises, Inc., d/b/a The Shannon, 106 First Street TO West Brigade, LLC, d/b/a The Shannon, 106 First Street**

Francis Ciambrone, Esq., attorney for applicant, appeared before the board along with Patrick Lane, Camillus O'Callaghan, and Dermot Delaney, owners and operators. Mr. Ciambrone stated that all three have a lifetime of experience in the bar business. Client sale date is scheduled for tomorrow. Board asked if applicant had any plans to make changes in the establishment. Mr. Ciambrone stated not for now.

#### *Motion to approve the transfer.*

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips		X	X			
Vice Chairman Bauman	X		X			
Commissioner Blanos						X

**Revision to Plea Agreement:**

**Liquor License #0905-33-097-008, Finnegan’s Pub, LLC, d/b/a Finnegan’s Pub, 734 Willow Avenue, Case number 18-01**

Prosecutor Alyssa Bongiovanni advised that Finnegan’s is not present tonight and she is asking the board to carry this matter to the next meeting.

***Motion to carry plea agreement.***

<b>BOARD MEMBER</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips	X		X			
Vice Chairman Bauman		X	X			
Commissioner Blanos						X

**HEARINGS**

**Liquor License #0905-33-032-011, Skyboy, Inc., d/b/a Northern Soul, 700 First Street, Case number 17-20 and 18-03**

Thomas Jannarone, Esq., attorney for Skyboy appeared before the board along with his client and license holder, Mr. Mark Russell. Prosecutor Scott DeRosa advised this matter is not able to proceed this evening as the noise abatement measures are not completed. Mr. DeRosa also advised that the complainant, Mr. Ahmad Beheiry is also present this evening. Mark Russell was sworn in by board attorney, Ben Choi. Mr. Russell stated that he purchased items for the speakers that turned out not to be the right ones, but he should have the correct ones by Monday. Mr. Beheiry stated that he wants the bar to be able to conduct business but that he has a newborn baby, a three year old, he is an oral surgeon and just wants to be able to sleep and enjoy his home. Board attorney, Choi, clarified that the purpose of the adjournment is to allow the licensee to abate the issue. Discussion ensued.

***Motion to adjourn for thirty (30) days subject to work getting done and giving complainant two (2) weeks to test it out (ensure it is abated).***

<b>BOARD MEMBER</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips	X		X			
Vice Chairman Bauman		X	X			
Commissioner Blanos						X

**Liquor License #0905-33-040-007, 205 First Street Corp., d/b/a Village Pourhouse, 205-207 First Street, Case number 17-36**

Thomas Jannarone, Esq., attorney for licensee appeared before the board along with owner, Mr. Sean McGarr and Chris the bar manager. Prosecutor Scott DeRosa advised this is a noise complaint which occurred on October 8, 2017 wherein complainant called police due to excessive bass. Scott said this matter is also before municipal court. License holder has entered a plea of non-vult to count one with zero days suspension and five days held in abeyance. License holder has taken substantial steps to abate the issue by having skylight removed and speaker noise reduced. Scott also said the complainant is amenable to the changes. Discussion ensued as to buildings and courtyard being an “echo chamber.”

***Motion to accept resolution.***

<b>BOARD MEMBER</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips		X	X			
Vice Chairman Bauman	X		X			
Commissioner Blanos						X

**Liquor License #0905-33-021-007, Summerfield, Inc., d/b/a Havana Café & Lounge, 32-34 Newark Street, Case number 18-02**

Thomas Jannarone, Esq., attorney for licensee appeared before the board along with the bar manager, Gerald Vaca. Prosecutor Scott DeRosa advised this is a new complaint of a fight occurring outside the premises between a patron and security guards. However, we are unable to proceed tonight as Mr. Jannarone has not been able to review footage.

***Motion to adjourn for thirty (30) days.***

<b>BOARD MEMBER</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips	<b>X</b>		<b>X</b>			
Vice Chairman Bauman		<b>X</b>	<b>X</b>			
Commissioner Blanos						<b>X</b>

**NEW BUSINESS**

- Ben Choi advised he emailed the state regarding media video taping board meetings – the state has no issue with meetings being video taped. Media is allowed to video tape with reasonable restrictions in place.
- Ben Choi also emailed the state in connection to applicants defending themselves / pro se – the state has no issue with applicants representing themselves. Discussion ensued amongst board on consent to transfer. Prosecutor Alyssa Bongiovanni mentioned how an attorney or owner are the only ones allowed to sign the actual agreement. Board agreed that we should always ask ‘are you authorized to speak on behalf of license’ for the record.

***Vice Chairman Bauman motioned to close the meeting and Chairman Phillips seconded with both members unanimously agreeing to adjourn the meeting.***

**The meeting adjourned at 6:46p.m.**