

MINUTES

**Borough Special Council Meeting
Borough of Union Beach
Thursday, June 30, 2016 – 8:00 p.m.
Council Meeting Room, Municipal Building 650 Poole
Avenue, Union Beach, NJ**

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at **8:00 P.M.**

SALUTE TO FLAG: Mayor Smith leads salute to flag

ANNOUNCEMENT: By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

SUNSHINE LAW NOTICE: Announced by Clerk.

Adequate notice has been given to the public and press on the date, time and place of this special meeting, in accordance with P.L 1975, chapter 231, "open public meetings act." Clerk did advertise in the Asbury Park Press issue June 17, 2016, on Borough Website and on the Bulletin Boards at the Borough Hall as is customary.

ROLL CALL: Council Members

Mr. Perrella
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

Mayor Paul J. Smith, Jr.
John T. Lane, Jr, Borough Attorney
Anne Marie Friscia, Borough Clerk

Mayor Smith announces that our Administrator is on vacation tonight.

ATTORNEY, John T. Lane, Jr.: ANNOUNCEMENT: PURPOSE OF SPECIAL MEETING: ATTN:

Mr. Lane states that the principal reason tonight is the renewal of the License for the Union Beach Social Restaurant and Bar for the period of July 1 through June 30th. We will have the Public Portion now to hear from members of the public. He announces that the applicant (Mr. Plinio) is here tonight. Mr. Lane asks Mr. Plinio if he would like to answer things one at a time as the allegations are made.

Mr. Tom Plinio: Whatever you think is easier for you (the Council)

Mr. Lane: It is harder to remember as each person says something. It is harder for you (Mr. Plinio) to remember back what the people just said.

Mr. Plinio: He will answer each one.

Mayor Smith: Asks Mr. Plinio to sit up front then so we will need you to be on the microphone and on tape.

Mayor Smith: Opens Meeting for Public Comment.

MEETING OPEN FOR PUBLIC DISCUSSION: (DISCUSSION OPEN TO ITEMS ON AGENDA ONLY)

PUBLIC PORTION:

Meeting opens for Public Discussion at 8:03 p.m.

Ms. Rosemarie Zerrillo, 712 Cambridge Avenue: Ms. Zerrillo questions the procedure of the public portion. Should she direct her questions to Mr. Plinio or just state the complaints.

Mayor Smith: Direct them to us.

Mr. Lane: You generally will be making statements of fact, of things you observed and why you think the license shouldn't be renewed or why you think it should be renewed with special conditions. These are the two choices.

Ms. Zerrillo: Well, she is not looking to kill the license. She understands that Tom (Plinio) is a businessman and she had a deli once too, but there definitely has to be provisions. There is a lot of things going on. People are leaving are very intoxicated to the point that they are urinating on people's lawns, vomiting on people's lawns. She has seen people hitting cars because they are drunk driving. She did not witness it, but she knows two people who had their cars hit and while going around passing flyers around the other day, a third person told her that she had seen it. She saw the person back into her car and she said the girl was drunk. She parks in her driveway now, not on the street on the weekends. The noise is very loud. The outside bar is a big issue with the whole town because no one was ever notified or given the opportunity to come down here and protest it being built. It was built. We had no choice and we are suffering the consequences, sometimes. It has calmed down since the last town meeting, but prior to that, it was until 2:30 in the morning. As it got later at night the people got louder. If you go by at 8, 9 or 10 o'clock, you can hear a pin drop. They start getting more drunk and louder. By 2:30 a.m. they are down the block, yelling to their friends. They are screaming and yelling. We can't open our windows. There is a whole bunch of complaints, but she is going to let other people speak and if anybody misses anything else that she has, then she will come back up.

Mr. Tom Plinio, Owner – UB Social Restaurant and Bar, 900 Union Avenue: States that he understands all Rosemarie's concerns, that is why he is here to take responsibility for that. As far as what people are doing walking on a lawn, he can't 100% control that. Can he control them drinking? Yes. He understands that. The last month he has changed staff, he has upped security, he is trying to dictate towards a mature crowd, ok so that doesn't you know have the 21 and 22 year olds that are probably the ones that are causing more of the problems here. (Inaudible interruption from member of audience.)

Mayor Smith announces that we need to speak one at a time because we are on tape.

Mr. Plinio: He is looking to be a neighbor with you guys. He is not looking to be a cowboy, or cause any problems with you guys if you know what I mean. Whatever you guys are looking to do, he is more than reaching out his hand right now to help everyone out – whatever you guys need from me- Okay.

Mayor Smith: Thank you.

Heather Iurato, 1004 Shore Road: She lives at the corner and believe it or not is a full block away and when she tells you she hears the conversations that include the cursing, and the drinking and she gets that it is a bar. First of all it was not an outdoor bar when she moved in, otherwise she would never have bought a family house. She also worries that she will never be able to resell it because who wants to buy a family house down the road from an open bar. Nobody, right. She is upset about that, but that is not your fault again, because you bought the premises. What she does question, and this is not directed towards you (Mr. Plinio) but she has not seen one permit and she knows if she added a bathroom on to her house, she would have people knocking on her door saying where are your permits for the plumbing. Where are your permits for this, that so she does not understand how you can build anything, especially a bar - that she questions the safety if we have no permits so we don't know if it was inspected by a plumber, because there is plumbing, by an electrician, as there are TVs and speakers added outside? She feels that this is a huge mistake because whatever. She does not see any permits regarding any of those, so therefore she questions the safety. Does she have to worry about it sparking on fire? Do we have to worry about the bar collapsing? Do we have to worry about the plumbing stopping up and coming out on to the streets? What is going on with that? She does not understand how you can do that without any permits. No one has been able to produce not one permit for her. So, with that said..

Mayor Smith: states that he has never been asked about permits.

Ms. Iurato: States that she has come in and there is an OPRA request again in for the permits.

Mr. Lane: We went back and looked actually all the way back to 1998.

Ms. Iurato: She doesn't want 1998 she wants the permits that he should have submitted to do it in October.

Mr. Lane: This is exactly correct. We went all the way back to 1998 to see if it was replacing a previous existing one. There are no permits. He discussed this with the Construction Official and if he did not get by today he will be by in the near future.

Ms. Iurato: So if he does not have permits, shouldn't it be like a cease use of it? We don't know if it is safe or what is going to happen?

Mr. Lane: On a regular basis, we in home inspections at the time of sales, we find decks that don't have permits – swimming pools that don't have permits – a lot of additions that people put on without permits and we generally... some require Zoning Board Approval - some don't. We try to get compliance after the fact. He did ask Bob to go buy and he will go by to look at it to make sure that there is nothing unsafe right now and then go through the permitting process to take out the permits, check the inspections to make sure everything is done correctly and do that. He is going to check on all that, and although we are going to look into it, that would not be part of whether this license should or not be renewed or if special conditions should be added, that is just a matter of (he doesn't want to say a paperwork matter) but it a matter to make sure that everything was done right. The pizza oven was done, there has been a lot of permits. He has pulled a lot of permits since 2015. Mr. Lane has counted six or seven, alarms, fire alarms, he just did not see any permits for that. He did ask about the bar and someone said maybe the outside bar had been temporary and had just been set up out there and to be taken down in the off season – it had come and gone and not been a permanent fixture like apparently it is today. This may be why in the past they did not get it permitted when it had been more of a transitory thing, a collapsible bar, they put a field drain and they did not have water out there. This not impossible if they were serving just beer out there and serving other things. You can set up a soda station. You can do some things outside without.. the Board of Health would probably not be too happy about it. That would be a totally different set of inspections about food facilities without the right permits.

Ms. Iurato: She thinks the one thing that she heard him (Mr. Plinio) say is that he is looking to be a good neighbor and that is really what they are looking for because he didn't come in as a good neighbor. They are all willing to give him the benefit of the doubt and to work with him, but you are bringing in kids from other towns. Like she said, (Rosemarie) peeing, puking. She has a problem with the broken bottles, red bull bottles and the cigarette butts that her kids.. her

wonderful four year old is going to pick up on Sunday mornings. She is yelling at him, "Oh my God don't touch that – it is disgusting" and then she has to touch it. She knows that in the past there have been bar owners and actually at the end of the night scooped up not necessarily the urine and the puke, but the garbage that was left out. She is happy to hear that he (Mr. Plinio) is looking to be a good neighbor because it is absolutely their goal as well is to be a good neighbor to him (Mr. Plinio) as well but she can tell him right now that she has called the Police on Tuesday night because at 10:45 p.m. she could hear the conversations coming from his bar. She wants to go to bed. She doesn't think that during the week nights people screaming and hooting and hollering outside on a bar and then the dispatcher acts surprised as if you were supposed to be closing it – because there is a rumor going around that you had said that you were going to close the bar during the week at 10 p.m. and on weeknights at 11. That would definitely be a good neighbor because she thinks that the majority of the phone calls are around the sound. The other things, she understand. She wants him (Mr. Plinio) to understand that they get what can be put on as provisions and they get the law and right we cant ask you to come around and pick up all the garbage, we cant make you ask your people to be quiet, but is just part of being a good neighbor and she can tell you right now when we are pulling down our block and coming here she stopped at the corner of your bar and the staff was so loud and she was just talking. She wasn't yelling, she wasn't mad. This makes her think of his staff, so it all trickles down, right so if the person in charge is kind of saying guys we got neighbors. She works in Hoboken, there are signs everywhere, "Be good to our neighbors" we have neighbors out here, If you are out for a smoke, keep your voices down. This is what we are looking for from you (Mr. Plinio). To set the example, to come out and around 11 p.m. not necessarily close the bar, although that is what we would like, but just come out and say "guys you got to keep it down, we have families, we have neighbors" like that is just as important and then we will come to your establishment. She has not stepped foot in his establishment and she won't until she knows that he will be a good neighbor.

Mayor Smith and Councilman Wicki: Thank you Heather.

Mr. Tom Plinio: to Heather Iurato – If I miss something you asked, just let me know. The permits, he pulled all permits, he offers them to the Attorney (John Lane). John does not take them. John says he has the list of them. Mr. Plinio states that he has all permits approved, electrical, plumbing, building. Everything was approved. He has the application..

Mr. Lane: is this from today?

Mr. Plinio: No, this is from before he opened up. T

Mr. Lane: Is this for the bar?

Mr. Plinio: This is for everything inside what he.

Mr. Lane: No, for the outside bar?

Mr. Plinio: Outside bar – everything was approved. Yes it is here. He is still in continuation with the Building Department right now if anything else needs to be updated. He is more than willing let them come in and whatever needs to be updated, he will do. As far as the outside bar, that was there and permitted before he was there. He does not know if she used it like he did, you know what he means. He has his application here which is permitted adjacent to the building along with the drawing that he has. He doesn't know if we (Council) needs that but he is sure it was submitted with the ABC License. As far as anything with fire, plumbing or anything like that, he is fully covered with insurance. He has a copy of this for Council too. As far as the people talking and being louder, he does go out there. He does talk to them. He tells them to lower their voices. He really can't control them. After it happens, he does go and do that as much as he possibly can. As far as people dropping beer bottles or whatever the case may be, he has no problem sending someone down to clean your block. This does not bother him. He will come do it himself. This is the extent he is looking to do with you people. He is not trying to be any kind of rough guy or thinks he is better than you guys just because he owns a business. He is looking for all you guys to come in. This is the first thing. He is extending his open hand again to you guys. He apologizes for any problems that he has caused. He just hopes we can turn the page on that and go forward from here.

Councilman Jeff Williams: Asks Tom Plinio regarding the beer bottles. He does not believe people should be leaving his establishment with alcohol to begin with so again he doesn't know what you see. He is just pointing it out. This is one of the measures he thinks should be taken anyway.

Mr. Tom Plinio: You know Jeff what it is the pre-gaming. People come and drink before they come. There is no one that leaves his establishment with a beer bottle. That is 100%. He is at the door himself six or seven nights a week, ok. He knows that he will lose his liquor license with any underage or someone walking out with a beer bottle.

Councilman Williams: Oh absolutely, he understands.

Mr. Plinio: I have been in this business for 25 years. He is not new to the business. He is new to (Council) he understands that but he has been in this business long enough that he knows if someone walks out there with a beer bottle or someone walks in that is 20 years old, he has no shot. – or someone is leaving the establishment drunk. He does his best to do that. He pays for taxis, ubers, he lines everyone up on the side to see if anyone needs a taxi. Trust

him if you were to come in, you would see how he operates. He understands that you are just hearing noise and people leaving or coming before that. He wishes that he could control people's actions. He really cannot do that at all the time. Leaving his establishment, yes this is his problem. He makes sure that they get in their cars safe and if you saw the way he does it, you would understand it. He has even gone to the extent of hiring his staff. There is three retired Police Officers on his staff. He understood he made a mistake maybe there is younger crowd that is coming in than you guys wanted or the town, even to be honest himself. So he is moving towards a more mature crowd. He doesn't mean to repeat himself but this is what he is looking to do.

Councilman Williams: Thanks Tom, he just wanted to address that issue.

Attorney: What is the day of the permits for the outside bar, electrical and plumbing?

Mr. Plinio: Building approval is 10/20/15.

Attorney: The list he was given says changed windows, sheetrock, floor tile, bar top.

Mr. Plinio: What is that for?

Attorney: We have permits on file since 1993. 1993, 1995, 1999, 2006, 2008, 2012, 2013, and seven since 2015. Demo two walls, remove carpeting and flooring, update inside bar electric and kitchen, new gas line for pizza oven, build roof over existing patio, change windows, sheetrock floor tile and bar top, install new kitchen and exhaust hood. These are all the permits we have. Now is that all?

Mr. Plinio: There are still permits that are being updated. He spoke to the Building Department this week, maybe that is one of them that is on there. He would be lying to say he knows exactly what one says right now because he only has the approvals right here.

Attorney: you have a 10/15/15 approval to change the windows, sheetrock, floor tile and bar top. Again, this is not part of this process, but he (attorney) just wants to make sure that the electrical is right because of ground fault and water outside that is properly connected to the sewer system because of the possibility of backups and things like that and that the water is potable and that there is no backup and that there are valves on it.

Mr. Plinio: He has a plumber on hand who works with him every month and comes in. He does not need backups in his business. That would look bad anyway and he wouldn't want it going on the street. This is ten times worse.

Attorney: Sometimes people put in outside drains and put the bar over it then they stick the pipes into the outside drain. He has seen that a couple of times.

Mr. Plinio: To be honest with you, most of what he is selling out there is cans and anything else like a drink of Jack and Coke it is in a plastic cup. Everything goes into the garbage so there is not that much plumbing there and the electric that he uses there was already established in the building, but he has been in touch with the Building Department because he knows that this is a concern with the Council and the neighbors that anything that needs updating, he will make sure it is pinpoint.

Attorney: Good that is what I asked you just to do. This is what I didn't see. Everything else looks fine and he recognizes that most of the burglar alarms, this is all fine but he wants to make sure that the outside was done and permitted that is all – Thanks.

Ms. Heather Iurato – promises not to hog it – she promises. She just has a very direct question: Did you tell some people in town that you were going to be closing the outdoor bar at 10 p.m. on the weekdays and 11 p.m. on the weeknights?

Mr. Plinio: No I did not.

Ms. Iurato: Ok

Mayor Smith: Anyone else wishing to be heard?

Mr. Vito Zerrillo, 712 Cambridge Avenue: On this note, even if you did agree to close the bar down at 10 p.m. during the week and 11 p.m. on the weekends, his opinion is that it would not make any difference unless there is some policing of the folks that are going to be going back out there under the premise that they are going to be smoking and bringing their drinks out there and now we have a gathering of 15-20 people smoking and drinking out there anyway. It is more of a comment to you (Mr. Plinio)

Mr. Plinio: You are 100% right.

Mr. Zerrillo: I understand that you are a businessman. He was a businessman also. He owned a deli and a couple of other businesses so he knows it is tough to run a business, without having us (residents) coming down here and try to beat you up. We are not trying to beat you up. We want to be good neighbors also. His other neighbor who is not here Steve Spielman. When you said before that no liquor or bottles or cans leave your premise this is another thing that is hard for you to police. He was a young guy once too. He would walk out of a bar with a bottle under his coat or shirt and walk down the block. He did witness a few things that were very troublesome. One of them was the night that there was a big ruckus, St. Patty's Day, that week, two people walked down the street and threw cans of beer on his property and he turned around and he asked them (in maybe not such a nice way because he was upset) to remove them. They turned around and said, FU and called him a white piece of trash. Just recently, around 1:30 a.m. he was walking past his office to his bedroom and he looked out the window and saw a few young men walking up and down the block, (men of color) and he decided to stand by the window and just watch because he was starting to get a little worried that something was going to happen. Well something did happen – they went right next door to his neighbors. This young man and he punched her rear window. Next thing he knows, they are down block yelling and screaming. No one is coming out of the bar. No body is saying anything. As a matter of fact, he hates to say this but there was a cop there who left and came back and still it went on and on. As a matter of fact, that night some young people ((ladies) who actually called these three men of color a very derogatory name which he found offensive because we don't like to promote that in any town but so his whole point is that we want to be good neighbors but we also want some type of security outside when people are leaving because this is when all this stuff is happening. It is always at that time and the tournaments that you are running down there – the other day- he doesn't know whether it was a poker tournament or pong. "I am winning – I am winning!" This is at 9:30 at night and he hears that clear. So, he just wants to bring it to Mr. Plinio's attention. Maybe you are not hearing it the way we are. We are accustomed to a nice, quiet neighborhood. When Stevie (Gross) was running his business it was fairly quiet. We had some issues and we came down here and Steve addressed these issues which at that time were beer cans and stuff like that going on. Steve addressed these issues. When they took it over, there was other issues with Nate (Chadwick) He doesn't want that to happen with Mr. Plinio either. He doesn't want the kind of issues and the kin of crowd that he attracted to come to our neighborhood. We are a family neighborhood and that is what we want it to remain as. That is it.

Mayor Smith: Thank you.

Mr. Plinio: He understands his concerns about someone in front of someone's house, someone punching a window out, yeah he wasn't there to witness that. He wishes he could take responsibility for that but he can't. Like he said before, not to repeat himself but that clientele he has totally moved away from them. Be rest assured that is what he is doing. OK. He spoke to the town and they said in the last month or so, 25 days, you guys have not called as much. He understands that. He is trying to work hand in hand with his staff and bring in a better customer base for both of us. As far as anything else that you are looking to do or you personally, if you want to come knock on my door, come knock on my door this is what he is trying to do here. He feels like he is repeating himself but he thinks this is the best way it is to do. We interlock. He is not perfect, not even close to that. You understand being a business owner and a businessman, some things are out of your hand sometimes. You can't fully control everything. He wishes he could. He probably wouldn't be in front us right now. He would probably be in Atlantic City winning money or something if he knew what another human being was going to do, but as far as the Police, he has had meetings with them. They could come sit in the parking lot. That would not bother him, because that keeps away any problems or certain clientele that you don't want or he doesn't want. He is all for that. This doesn't bother him at all. Is there anything that they missed? He doesn't know because they are really good Police Department as far as he knows. They are really helpful people to him. If there is something that maybe you guys saw, and maybe you should call at that point. He doesn't know. He is not here to tell them that they did something wrong or did something right. They are great to him and they are there for you guys obviously because they come by to him and always check up. Hey listen someone called! So as far as that goes if you need some help from him personally, he can do that. As far as telling them how to do their job, he can't do that.

Mr. Zerrillo: He wants to bring one other thing to the attention of the Council as well as to Mr. Plinio. A few of them have taken measures to protect their property. He has installed security cameras. Another neighbor whose husband is an electrician and has installed very sophisticated security camera system, much more sophisticated than his, but he feel that he as lived here for 31 years and never had to do this before, never had to worry about it. He now has to worry about it. You are right – this last month things have calmed down. The parking has gotten better and we could all complain about the parking, but it is public. He gets upset when his wife can't park in front of the house when she is coming back from her meetings at the VFW in the area at 11:30 or 12 at night and there is no place for her to park and she has to park around the corner. He feels like he is back in Brooklyn, like alternate side of the street parking again. He just wanted to bring to your attention that we do have people on the block that do have security cameras now and they do monitor them now.

Eileen Leon, 706 Cambridge Avenue: She does not have that much of a complaint, she just wants him (Mr. Plinio) to have respect for the neighborhood. Bring the people in after a certain time. Don't have them outside. When she was hanging out in Stevie G's, Stevie G told them to go home when they were loud. All you have to do is bring them in. She gets home at 11:45. She works in the morning part time in a restaurant in South Amboy until 1 p.m. At 2 she is with adults with disabilities until 11:45. When she gets home she doesn't want to hear anymore yelling, screaming and carrying on from normal people. Just bring them in. You can close it and bring them in. Thank you.

Mr. Plinio: As far as when Stevie (Gross) had it you were able to smoke inside. This is more than half of his battle. The people smoking outside. They passed a law. He has to let them outside. He will do a better job of trying to control their

voices for you. If he lived down the block, he wouldn't want to hear it either too. He understand that. He is totally with you guys, but as he said earlier he cannot control. After they scream and yell he tells them, "Please lower your voice" he does do that every night. Trust him. You may not believe it but that is what he does because he does not want someone just calling up and then the cops come by and it is another tick against his license. He fully understands that. Anyone who calls, whether it is a true complaint or not, it is a hit against his license and that hurts him every year. He has to come in front of you guys (Council) and do this. He does not want to have to keep doing this. Hopefully, by next year or next week, or a month from now, this is all solved. He doesn't want to keep having to come in front of you guys. He wants to have you guys come into his bar and have a drink or a pizza or your family coming in. There is a lot of things that he has done for the town when the people come in whether it is cancer benefits, Memorial school the high school that you probably don't see. He is not here to raise a flag saying that he is the greatest guy in the world, but anybody that comes to him for a donation or for his time, he does do it. He is investing in this town. He is not just looking to do a one hit wonder here. He has invested a lot of time and money. He has a 6 year old kid and a 2 year old kid so he needs to make his living here. He is not looking to do a hit and run and make his money within one year. It will take him 10 years to make money here. He understands that. This is why he came here. He came here because he feels like he fits in with you guys. He is a blue collar guy. This is the family he comes from. Police and Fireman. You guys work hard. You don't make that much money but you work hard and give the best you can. This is why he feels he fits in with us. Maybe or obviously, it hasn't worked out exactly pinpoint like we both wanted it to, but he is trying to work towards that.

Mayor Smith: Thank you.

Mrs. Jolene Buckalo: She does not live in the area of the bar, but has issues with the bar. One of the issues she has (addresses the Council) is that she would like to know how an outside bar was put without a variance going on and she does understand the rumor is that commercial property does not have to get a variance. It doesn't have to be approved. She lives in this town. She had to get two variances and neither one of them was for the building she was putting up. Simply because the structure of her original home was less than 25 feet from the sidewalk and yet this restaurant or bar as you want to put it, put on a complete bar outside with entertainment. This is offensive to the residents of the town who had to do otherwise, OK. The second point that she has for you, "why do my Police Department (that her tax dollars pay) have to go monitor his bar. That should be up to his responsibility, not the tax payers of Union Beach". The other issue she has coming home at 11:30 at night there is a bunch of drunks walking down the street. If they fall into her car and she hits them, who is liable, she is. She thinks that the town has lost concept. The bar does not belong outside period if you like it or not. It is a residential area. We have children. You walk your children on a Saturday. There is a game going on. They are cursing. Her children shouldn't have to hear profanity walking down a public sidewalk from a bar. Now you can say whatever you want and you can sit there and judge, but we live here in this town. This is our town. This is our tax dollars and you represent us the people, not a bar. You represent us and you should be making decisions based on what is benefit to us. Children should not have to hear profanity when out walking or riding their bike or rollerblading or taking a walk to the beach. She finds that personally offensive. She thinks you need to take a look at the overall pictures. She doesn't care what somebody does. It is what somebody doesn't do that affects everybody else. You need to look at the overall picture. Thank you.

Mayor Smith: Thank you.

Mr. Plinio: He pays tax dollars here too. He is a business owner in town and they are also his Councilmen and Councilwomen and Mayor Smith is also his Mayor. So as far as that, it is not just one voice that carries the whole herd here, that is not how it goes. He also has a voice as a business owner here. He came to this town when almost no one wanted to open a business here. He did that. He is making the town better – believe it or not. Is there bumps in the road? Absolutely, no doubt about it but as far as tax wise, he pays taxes and they also should represent him because he is a business owner of this town.

Mayor Smith: Thank you.

Steven Gross, Keyport: He used to run Stevie G's from 1993-2006. Actually, when the smoking stopped in town, when you couldn't smoke in the bar anymore, it was actually, he could have saved some years on his life, but he said to watch that, people would go out. You have a couple of doors. They would go out here to smoke, they would go out here. So you are going to hear voices. It could cause a problem and you can't have a security guy following every person. He was actually at the same meeting in 1993. Carmen Stoppiello and Hank Reigler. They actually had the meeting in the Police Station. This meeting is a good thing. They resolved a lot of things, right. He has been working with Tommy (Plinio) for over a year now. Anything he has asked of him or he has asked for – he is easy to work with. So, he thinks this could go a long way. He and his wife were nervous when they came to the meeting (in 1993). Just him and his wife and all the neighbors. His wife thought they were going to lynch them. After they left everyone shook hands and it was nice and he hopes this works out the same way.

Mayor Smith: Thank you.

Mark Waller, 804 Cambridge Avenue: He lives in the dead end off Shore Road. It has calmed down in the past month or so he would say. The biggest complaints that he has is really the noise. His bedroom is right facing Cambridge Avenue. He has been woken up multiple times like at 2 in the morning, 1 in the morning. It is not just the weekend. Football season is Thursday night football, Monday night football. It is the weekend. The parking has been a problem. He has

spoken to someone in the town and he knows that they plan on extending the no parking on one side. This is great. They have had fights on their street. His daughter comes home from work sometimes around midnight, can't find a parking spot. This might be alleviated, it might not because now everybody is just going to park on one side. Her car was almost hit. There was some activity, a fight and people were leaving frantically, making U-turns and the Police running. Sometimes they are there. Sometimes they are not. It is really getting sort of annoying to keep calling the Police at 10:30 – "correct me if I am wrong – there is also a noise ordinance in the town" This does not get enforced. As far as he is concerned, most of the problems are from 10 p.m. to 2 a.m. really. He does not want to – he is sort of piggy-backing on a lot of stuff that Heather said mostly, but as a tax payer, and he also has young children. He has an autistic child. It is just to be woken up multiple times because of a business up the street which wasn't there when he moved in is a little hard to take.

Mike Wetherholt, 709 Cambridge Avenue: It has gotten better but there is a lot of profanity that his son and he has to listen to at night. It does get very loud. It got better, but he does not know if it is going to last. This is what he is afraid of too. He actually found bottles in his yard – not recently, but he did find bottles. He did call the Police one time on a vodka bottle that he had found next to his back door. A quart of vodka with vodka still left in it. His little boy picked it up. He doesn't know what it is. He could think it is water. What would he do if he took a swig of it? He is in trouble. It has gotten better but he profanity late at night. It is hard to sleep, you don't want to hear it. You don't want to open your back door and listen to it. That is all he has.

Mayor Smith: Thank you.

Mrs. Zerrillo, 712 Cambridge Avenue: She asks Tommy (Plinio) about when she saw him building the bar, she had gone down and asked told him she was a little concerned that now we were increasing the occupancy and it was a very small parking lot. She states that he told her that he was rented two spots in town and you were going to have valet parking. At the time when she walked away to be honest she just said this guy is full of crap because there is no spots in town that can be rented. She felt that she was being bulldozed or whatever but he did have valet parking for two weeks and then that was gone. One of her suggestions was that she understands that they are going to park on the street, because he does not have enough spots, maybe you can have a valet guy park the cars on the streets. She doesn't know but maybe he would have to write it down to remember where they are, but it would alleviate the people from going down and screaming and yelling if somebody did that. That might solve at least the noise at 2 a.m. when they are going to the cars. If we could have one person do that. Honestly, she is a little concerned about the bands. This also we did not have any of these questions at first because it was proposed to be a family restaurant. Which we thought we were going to get. She hasn't been in there, but on the website she hasn't even seen an entre on the menu. It is just finger foods. So it is 100% a bar. But like she said. She hasn't gone in there either, and she would like to go. She feels like she should definitely be supporting a business. God knows she is involved in the VFW and she is always looking for donations. So, she will go in there to looking for that. They are willing to work with him too and maybe she thought that is what we were going to do. Give suggestions and work out what he will do for them rather than just say the complaints again because they were here last month doing that. She hopes that they can work all these things out and they do want to be his friend and neighbor.

Attorney, John T. Lane, Jr.: The problem is that if we pass a Resolution with Special Conditions, this is the transcript that the Commissioner, ABC reviews. This is why even though people said during other moths, it is at the ABC Hearing that has to be said. Then he takes in what he hears tonight, the comments that are made and it is based upon this record. He looks at if the conditions are reasonable, aren't they reasonable? If they are appealed, do they get stayed? So that is why everybody not repeating the same comments, you have the right to, but... we want to get to the second part of it which is if there are things we can do ameliorate the problems and that would be the special conditions we would put on the license. How do we eliminate the friction? With conditions. If you violate the conditions, then there are ABC violations.

Mayor Smith: Anyone else wishing to be heard. If you want to speak you must come to the microphone, please.

Mrs. Buckalo, 716 Park Avenue: If you want to make provision, why don't you just get rid of the outside bar? If they want to go outside to have a cigarette, that is one thing but if you are serving liquor outside and you have music going on outside, then you are inviting the noise outside. If you want to go out and have a cigarette, go out and have a cigarette come back in and party, but keep the noise inside. The one way you can eliminate the noise is not to have a bar outside. It is supposed to be a family neighborhood. She does not want to hear profanity when she is walking her children. She is sorry. So the problem when she sits here and listens is the noise outside and the bar outside. Make it go inside. This is not the boardwalk. This is a residential area. You want to make provisions – that is her suggestions – make that one – no outside bar. You say well people want to smoke, well go outside and have a cigarette. She has many friends who smoke. You can't smoke in a restaurant. They go outside and have a cigarette. You don't party outside. You have a cigarette. So if you want to make provisions that is her suggestion. That is your provision. No outside bar. You have running water outside, taps everything going on out there. Where is the variance for all of that? Anybody have an answer?

Attorney, John T. Lane, Jr.: The ABC portion is not a zoning and planning portion.

Mrs. Buckalo: Ok, but this comes back to Town Council. How was that approved?

Mayor Smith: It was approved by our Construction Official, not Council. We do not get involved in these things.

Mrs. Buckalo: How could you not get involved in these things if effects the residents?

Mayor Smith: Because it is not our job.

Mrs. Buckalo: It still affects us. We are all here because it wasn't your job.

Mayor Smith: He understands that it affects you, but we don't tell people how to build their homes and businesses. This is not our profession. He is not qualified to tell them.

Mrs. Buckalo: But the problem is that it still came back to you.

Councilwoman Roche: The outside patio was always there. This was not added on.

Mrs. Buckalo: It wasn't a bar.

Councilwoman Roche: All he (Mr. Plinio) did was put the overhang on.

Mrs. Buckalo: It was never a bar.

Councilwoman Roche: But he did need a variance to do that.

Mrs. Buckalo: But it wasn't a bar.

Attorney: There was not the bar that exists today. There has been drawings that have some sort of a bar outside whether it was portable, whether it was permanent....

Mrs. Buckalo: but that is a permanent bar – that is a big bar – have you seen it!!!

Attorney: he has not personally directly seen it but he has been advised that it is a substantial structure.

Mr. Zerillo, 712 Cambridge Avenue: He takes offense to that because he has been living here 30 years and has never seen an outside bar there, portable or otherwise. So, this is totally a fabrication or just mistaken. You are highly mistaken sir.

Attorney: Ok, so you say there is no bar outside.

Mr. Zerillo: There has never been a bar outside, ever. It used to be a deli outside when he moved in. As a matter of fact he tells a story...

Attorney: Has there been a bar there since 1993?

Mr. Zerillo: Yes

Mayor Smith: Yes, longer than that.

Mr. Zerillo: Yes there has been a bar there inside – not outside. We are talking about the outside bar.

Attorney: One of the former owners is here.

Mr. Zerillo: Stevie G never had an outside bar.

Steven Gross: Attorney asks Steve is there has ever been an outside bar? Steve answers that he just did some things outside like tailgate parties and stuff like that.

Mr. Zerillo: on occasion, yes.

Attorney: you just set up like a portable bar outside?

Steven Gross: When GiGi came in she had outside, but it was all tables.

Mr. Zerillo: All tables, restaurant, serving food. The footprint of that was half the size of what we have now. So he does take offense to being told that there has been a bar there and all this gentleman did was put in an overhang. He is not

blaming Mr. Plinio. The woman that was up here before has a good point. Everyone on this Council is responsible for what goes on in this town. Whether you have a direct influence on what is being built or not. You represent us.

Mayor Smith: Absolutely.

Mr. Zerrillo: you are also representing him. That is all he has to say but that just made him very angry, sir.

Daniel Iurato, 1004 Shore Road: He just wants to point out a few things as far as safety is concerned. Right off the bat that whole area is not well lit. You really can't see much two maybe three houses down. So this is a safety issue right there. He knows it has nothing to do with you guys.

Mayor Smith: Well, this is something we could look into with Jersey Central.

Mr. Iurato: continues that when you had families living there it was not much of an issue, now you have drunken, belligerent people throwing their bottles, pissing on our lawns. It is ridiculous. Now forget about safety. Safety is out of the window, forget about the lighting because now you have belligerent people punching on windows and cars and using the lawns as a bathroom. Sorry for his language.

Attorney: We will clean it up.

Mr. Iurato: His next door neighbor shares the corner with them. Someone dropped trout on their lawn. Not only that, turn around when our neighbor opened up the window and asked what are you guys doing? They turned around and yelled out profanity to our neighbor. What is this? What kind of crowd do we have coming to this bar? This is his concern. He has a four year old that comes into our bed. His four year old maybe three or four times during the last couple of weeks climbed into our bed. He says to them "is it the bar again"? He can record it for Council if they want to hear it.

Mayor Smith: He believes him.

Mr. Iurato: at 1 a.m. he comes into our bed. What does he say to that? Oh, don't worry about it buddy. We are going to be moving in about two months. Do I want to say that to my kids? To my wife? We have been living there for seven years. We want to make it a forever home. He knows that Mr. Plinio is busy and he respects that, but they want to be his neighbor as well. We thought when we saw it was going to be a pizza bar and family restaurant, we could walk to your place. Are we going to do that? No. Thank you.

Mr. Zerrillo, 712 Cambridge Avenue: shows photo's of Jake-a-Bobs Bay right after Sandy. He doesn't know why it didn't make it. He feels she has a much nicer place now. She has a nice beachfront area. Please take a look at the photos. This is UB Social under construction. Does that look like the same footprint to you?

Mayor Smith: No it doesn't.

Mr. Zerrillo: no it is not the same footprint. Here is UB Social 4 days ago. Completed. Does he make his point sir? There hasn't been an outside bar there ever, except when Stevie had special occasions. We never busted his chops about that. We never would have.

Attorney: I understand.

Mr. Zerrillo: Does not want the photos back – he has plenty of them.

Mr. Plinio: Responds that the footprint is exactly the same. He did not expand anything outside at all. It is the same exact white fence, the same exact railing fence and the same exact railing fence curves around the corner. He did not expand any part of that building at all. He did construction inside. As far as a restaurant, it is a restaurant. You can bring your kids. There are a lot of kids that come because people come for the pizza. At night does it turn to a bar? A Sports Bar, absolutely. At times people do raise their voices. He can't help it. If Frank Warner hits a home run in the 9th inning and everyone is cheering because the Yankees won the game and he is kind of cheering with them too, he can't control that either, but on top of the building it says Pizza, Sports Bar. Someone told him that it has been a bar for about 70 years now, it has not just been a restaurant. It has also been a bar. No offense to Mr. Zerrillo.

Mr. Zerrillo: No, it has always been a bar.

Mr. Plinio: As far as the parking, he remembers meeting Mrs. Zerrillo that day, he tried to get other lots in town but they were not available to him. He is not lying to you. As far as valet parking it did work for him for a little while, then also people had rumblings about that too. They said he was parking too many cars in there. So he could try to push more people towards past the pizzeria over there to the right where there is more public parking. He could maybe do something with that to help you guys along the way. It wouldn't even bother him if you put one side or no side parking in

front of your houses that is fine with him. He is more than willing to concede that. He understands that. You come home from work and you want your own parking spot. He certainly does at his house. He lives on a busy road himself.

Steve Gross, Keyport: He can clear up the footprint. He actual put up the fenced up area and he took permits out for that with the Building Department. So, he can see where that happened. He did it in between and there are permits out for that with the building Department.

Mr. John McDonald, 704 Cambridge Avenue: His biggest problem is the parking. The house he lives in has no driveway. His wife and he both have vehicles and they live right across from the Bar. He asks if there is any way the Council could put residential only parking on one side of the street. You are talking about putting signs up to have parking on one side. That would make less parking. If you put up signs for resident parking only on one side of the street maybe that would alleviate the parking situation.

Mayor Smith: We will have our Police Department look into that. Thank you.

Steve Gross, Keyport: He states that he is kind of responsible for the parking because people were complaining that there were too many cars parked on the road and they were having trouble getting out of their driveways so they passed the Ordinance in the mid-1900's.

Mayor Smith: Perfect, and he likes how Steve take the blame.

Heather Iurato, 1004 Shore Road: We are here to talk about the provisions and her husband got up to talk about the safety. They are looking for more than just the Police presence that is already going around the streets and just patrolling. For her personally (obviously because it is all about her) she would love someone at the corner of Cambridge and Shore where they are having a lot of issues with people leaving the bar and hanging out on the corner because it is dim and then when she puts on her light it kind of shoos them away She has been woken up on numerous occasions where people are smoking and hanging out. They turn their cars on so that they can play their music and hang out and smoke their cigarettes and by the time she calls the police and they come out they have usually shoo away because she has her light on and is looking out the window. So to have a Police presence that is not paid for by our tax dollars, some type of security. She has seen his security guard hanging out at 2 in the morning with some girls in front. She does not think a security guard is what we need either. She thinks what we need is people that are positioned appropriately. People sitting in front of the bar chatting with girls and people that are coming out is not appropriate. We need people who are out on the streets. This might actually help the garbage situation, it might help the puking and peeing situation, might help the dui situation. People getting hit by cars that they are concerned about because it becomes our fault if we hit them. More importantly, it makes us feel safe. She already told us that her house has been broken into and both her cars have been broken into and she has only lived here seven years. Safety is of the utmost importance to her. We have people who are putting in cameras after living here for 30 years. We have had a stabbing there whether anyone wants to admit it or not on St. Patty's Day. We have the fights that are going on. She was talking to one of the neighbors while she was giving out the flyers whose daughter is a police officer (not to throw anyone under the bus) and she said that there are fights here all the time. Well, we know this. Everyone knows. She is actually really disappointed that you guys (Council) don't even know or have not been to see this establishment.

Councilwoman Roche: I have been there.

Councilman Cocuzza: We are well aware of it.

Mayor Smith: We were told to wait until after this meeting to go there so that we would be able to vote on it.

Ms. Iurato: With that said, we are really looking at the safety concern. We are here to talk about the provisions. She has already voiced a lot of her concerns regarding the other things that are happening but she definitely thinks that a provision that needs to be put on is some type of presence there, by not so much as a security guard, by some type of Policing staff that again that does not come out of our tax dollars. She knows that we have also talked about the lighting because one of the things that we have mentioned is that there is no lighting and they come and she does not know why they even have to leave the bar, but they do and they hang out right at the corner of Shore Road and Cambridge Avenue and they smoke their whatever they are smoking and sometimes they have drinks with them. She is not necessarily saying that they are getting them from the bar because back in the day you pre-game before you come out. She thinks that the biggest issue is that you are not getting anyone there before 11 p.m. It is 11 pm., you are getting the kids that have already pre-gamed. She knows that he said that he is trying to change that crowd, but actions speak louder than words. We all know that, so we feel like the last month has been better and we are very pleased with that. She wouldn't say great but better. We would like to know that we are also safe. She feels that is of the utmost importance to everyone. She is hoping that we can at least put a provision on that is going to help us with that piece of it.

With no one else appearing to be heard, Mayor Smith closes the meeting to the public at 8:59 p.m.

Attorney, John T. Lane, Jr.: Based upon past comments, he has written down the four things that people have talked about. Closing times of the outside bar, special signage as people come and go, cameras inside and outside and a uniformed, off duty officer at the door during the times and dates and the time of year is what is left up in the air. He does

not think that this place is as busy all year round, but he does not live down the street and apologizes for that part. We have to look at that. Do you want to make the conditions year round, two nights, three nights per week – all are ideas?

Mayor Smith asks Attorney John T. Lane to read of the conditions:

- 1 – Outside bar would be required to close at 10 p.m. on weekdays – 11 p.m. on weekends.
- 2 – Special signage should be placed at the door reminding patrons that this bar has neighbors who live nearby and to be quiet while walking to your cars. Before you leave please use the restroom facilities. Please do not litter on the neighbor's lawns.
- 3- At least 4 cameras, two inside and two outside, need to be installed within 30 days with video and audio recording and a 30 day retention which should allow for immediate viewing by Police if requested.
- 4 – There shall be a uniformed off-duty Police Officer at the door from 9:30 pm. Until 2:30 a.m. Friday and Saturday said Officer shall be secured through the Borough of Union Beach if possible.

Those of the four things he had written down based upon the past comments. He asks if anyone of the Council want to suggest any others.

Councilman Cocuzza: He does not want to suggest any others but he wishes to talk about condition number 3 regarding the cameras with the audio recording. He met with the Chief prior to tonight's meeting and spoke about some of the items discussed at the last Agenda Meeting. The Chief's concern regarding audio recordings was that it could be a problem.

Attorney, John T. Lane, Jr.: It would be the bar owner's problem. He would have to post a sign that said, "by entering this premises, you consent to be video and audio taped. If you don't want to be audio and video taped, don't come in. Down south weapons are common but every place south of the Mason Dixon Line he has ever been to have the sign on the door that says, "by entering these premises, you consent to a search for weapons, just by walking through the door, Police or not Police. These signs are common. You would probably put the sign on the principle doorway entry. If they walk in and get recorded they were warned. They don't have to come in. Mostly the audio was suggested because of the noise. It is very difficult in a bar to pick up random conversations. It is more of sort of a hum or a buzz, unless someone is very close to one of the microphones and is very loud, it just tends to be a buzz. He put down both. If he Chief thinks the video is worthwhile without the audio he has no problem changing that.

Councilman Wicki asks what quality would be picked up on the Audio.

Attorney, John T. Lane, Jr.: feels that it would be very limited, you know sound though.

Councilman Wicki: Agrees.

Councilman Cocuzza: Addresses Chief Ervin and asks about if a situation were to occur and you were to have to review video tape, would the audio help you at all?

Chief Charles Ervin: states that it is his understanding that under the wiring tapping law, we would not be able to use it. He knows what Mr. Cocuzza is saying though about entering a building, but if you are going to put audio on the outside of the building, but never go in, you can't record him because he wasn't notified. There is no reason to get into it. If it is mostly going to be screaming and yelling anyway it would be useless and then what do you do when it is pre-time before the crowd, are you recording the bartenders, owners, etc. He feels sound is a bad idea. He believes that Mr. Plinio already has cameras inside the building.

Mr. Plinio: States he has 9 or 10 cameras inside and outside. Union Beach Police had come to him looking for someone slashing tires and he had tried to pick it up on the cameras. Anytime they come around if they thought someone may have walked through the parking lot. Mr. Plinio has been more than helpful with the Police.

Attorney, John T. Lane, Jr. What is your retention on them?

Mr. Plinio: He believes it may be 24 or 48 hours.

Chief Ervin – 30 days would be much better.

Mr. Plinio: Ok

Attorney: you may just have to expand your memory.

Councilman Wicki: So we are just asking Mr. Plinio to hold the recording for a longer period of time?

Councilman Williams: Regarding number 4 Uniformed off-Duty Police Officer. He believes it should be part of the provision that it is at the cost of the business owner, just so the residents understand.

Mayor Smith: That is what it is.

Attorney: That is what off duty. He speaks about a case in Spring Lake Heights and a bar called Spring Lake Manor where their parking lot backs up to a residential neighborhood. It backs up to highway 71 and after weddings it would get very noisy in the parking lot and they had to hire a Police Officer and Spring Lake is a fairly small department and when a lot of people had weddings in the summer is when the Police Department is stretched because in the summer you use all the full time and special II officers and every officer available. They had to go well out of the area to find people to take the off duty work because nobody in the two or three towns in the area in the summer wanted to take the work, so we will start with Union Beach, but we only have 15 Officers now so he has to secure it through the police and pay for it at what he believes is a rate that is set by the Borough so they have workman's compensation and liability. It is approximately \$85.00 per hour for road work.

Councilman Perrella: Questions the Borough Attorney, what kind of provisions are there if there is a problem with the provisions that we ask for being violated? What is the 1, 2, 3 steps.

Attorney, John T. Lane, Jr.: It depends on how serious the violation. You start with a violation that is written up usually by the ABC Officer in town. Did he get this information from another Officer or himself; the owner is brought before the local ABC Board like we are here tonight and usually you start with days a business is closed. They can lose days of profit instead of a business being closed, they do a calculation for how much they make per day and they pay that in a fine for the days they are closed. He thinks Chadwick's before had a hanging open fine when it changed hands. It was approximately 45 or 48 days were unpaid when they left so it is incremental. It starts with a week, two weeks, a month, two months, three months, six months if it becomes problematic and very expensive as you go up and you get to reach a point of the license simply not being renewed because that owner has shown that he simply cannot control the facility then he would lose the right to renew the license and he would have to sell it. He doesn't know if Chadwick ever reached,

Clerk: They left with a 55-day suspension which was paid by the new owner Mr. Plinio.

Attorney, John T. Lane, Jr.: Other places have been revoked. It is possible to be revoked, but it takes incremental discipline like civil service unless something very serious happens first, you don't usually go from first violation to closed. A pervasive pattern of drug dealing, drug use, severe violence in the bar, a lot of stabbings, and a lot of shootings that can get you closed down similarly and have their license revoked even during that year. There would have to be so many violations that would arise that would get them revoked. Then they can appeal that to Trenton.

Mayor: Well, the previous owner had a suspension hanging over his head when he closed, so when Tom (Plinio) took the place over the State made him pay in lieu of having him close for 60 days even though he had nothing to do with what happened to the previous owner. He bought the license, which had the suspension on it.

Attorney, John T. Lane, Jr.: It does hang over the license that is why when you sell it a person cannot re-incorporate to try to avoid the fines and penalties being imposed. You have to be a new entity and you are responsible for the old entities fines.

Councilman Wicki: Comments about condition one regarding the outside bar. Even if the bar was to close at a specific time at night, one of the reasons that they have the outside bar as Steve was saying too is for people to go out there and smoke. So even though they are still not serving alcohol, people are still going to take their drink out there and go have their cigarette. The noise factor really remains still even if the bar is closed. It may not be as great, but there is still going to be noise because people are still going to be out there talking and they are going to hang out there for a little while for their cigarette. His question is to Mr. Plinio "Is there another location, like maybe towards the back of the building, maybe off the street where you could have a smoking area? Would that help at all? His fear is that the noise problem is still going to persist even if the bar is closed down.

Mr. Plinio: The Union Beach Police came by the other night and asked to move everybody out of the bar area so he put everyone in the bar area and then they came back two minutes later saying that it was amplifying worse down the block. It is a very hard thing just for him to police. He is open to ideas. Stopping people from being loud and smoking. The main concern is the noise. He is here to take responsibility for that. There is no two ways about it. He is not trying to run away from it. He has tried moving the people.

Mrs. Zerrillo: She proposed that if they go out to smoke, no drinks should be allowed outside there. This way they won't linger. She was told by the Council that if you have permission to drink outside there on the premises, you can't impose a time limit legally, but maybe as the owner who is trying to work with us, you can impose it and say no drinking outside after those times. Smoke and go back in. You may get one or two sneaking in like they do under the coat, but you know at least you could say if someone is standing at the door, no, leave your drink, this might help. If their drink is in there getting warm, they are going to smoke and go back in otherwise they will have a cold beer outside.

Attorney, John T. Lane, Jr.: We are going to answer number one, all alcoholic beverages should be inside only after the outside bar is closed. Is this the idea? It is 10 p.m. on weekdays and 11 p.m. on weekends.

Ms. Eileen Leon: If this is a restaurant and it is outside and it is drinking and eating on the patio are they supposed to be smoking?

Mayor: If they are outside, they are allowed to smoke.

Councilman Andreuzzi: Can the televisions be muted outside?

Mr. Plinio: They are muted. The only sound he has outside is overhead music and he can tone that down too after the bar is closed.

Attorney, John T. Lane, Jr.: Should we add that too to number one?

Mr. Plinio: You guys are writing everything down right now it is still discussable? It is not 100%.

Attorney, John T. Lane, Jr.: Once the conditions get put on this document they are passed and sent to Trenton and are forever and forever or next year you can come in and negotiate them again. You can appeal. Mr. Lane is not your lawyer, but you talk to your lawyer. What we do here is not permanent. You can appeal them.

Mr. Plinio: He has a right to look at what you guys are trying to implement on him. He needs a couple of days or weeks to at least look at this.

Attorney, John T. Lane, Jr.: Do you want to close?

Mr. Plinio: You are hanging my Liquor License over me.

Attorney, John T. Lane, Jr.: You are going to need an Add Interim License then to be opened until the time you need to look this over.

Mr. Plinio: It is June 30th the last hour of him trying to renew his license. He is happy we had this meeting we should have had it back in March maybe. You are holding my liquor license over my head right now. That is what you are doing.

Mayor Smith: Well the problem is we advertised to take business tonight so.

Attorney, John T. Lane, Jr.: You can to an Ad Interim License tonight with no conditions, you can appeal it if you pass it tonight.

Mr. Plinio: States that he does not have endless pockets.

Mayor Smith: What is the pleasure up here?

Attorney, John T. Lane, Jr.: discusses the change to number one which would now read the outside bar is required to close at 10 p.m. on weekday and 11 pm on weekends. All alcoholic beverages are to be inside only after the outside bar is closed. Outside music is to be turned off at same time. The signage in number two. The cameras are number three. The off-duty Police Officer is number four.

Mayor Smith asks for a Motion:

Motion to approve the above four conditions to the ABC License offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote

Ayes: Mr. Perrella* Mr. Wicki, Ms. Roche, Mr. Williams* Mr. Andreuzzi and Mr. Cocuzza

Nays: None

Absent: None

Abstain: None

*with the provisions.

AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2016- JUNE 30, 2017.

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that Alcoholic Beverage Licenses be issued to the persons; associations and corporations set forth below for the premises indicated for the license period: **July 1, 2016 and ending June 30, 2017** for which Tax Certificates have been received from the State Division of Taxation for each of the Licensees listed, and;

Be It further resolved, that the following Special Conditions be placed on said license for renewal:

1. The outside bar is required to close at 10 pm on weekdays and 11 pm on weekends. After these hours, all alcoholic beverages must remain inside. All outside music and audio and televisions must be turned off.
2. The Applicant must place a sign at each exit door containing the following language: This bar has neighbors who live nearby, you should be quiet while walking to your car. 2. Before you leave, please use our restroom facilities. 3. Please do not litter on our neighbors lawns
3. At least (4) Cameras (at least two inside and two outside) need to be installed within 30 days with video recording and a 30 day retention and shall allow for immediate viewing by the Police if requested.
4. There shall be a uniformed off-duty police officer outside the door from 9:30 P.M. until 2:30 A.M. Friday and Saturday. Said officer shall be secured through the Borough of Union Beach, if possible.

Be it further resolved, that the Municipal Clerk is hereby authorized and directed to sign and deliver the license certificates to the following licensees:

License No.	Name and Address of Licensee:
1350-33-011-007 MUN. LIC. C-2 (CONSUMPTION)	UNION BEACH SOCIAL RESTAURANT AND BAR, LLC 910 UNION AVENUE UNION BEACH, NJ 07735.

Resolution offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and adopted by the following Roll Call Vote:

Roll Call Vote

Ayes: Mr. Perrella, Mr. Wicki, Ms. Roche, Mr. Williams, Mr. Andreuzzi and Mr. Cocuzza
 Nays: None
 Absent: None
 Abstain: None

ADJOURNMENT: Motion moved by Councilman Cocuzza, seconded by Councilman Andreuzzi and approved by unanimous Voice Vote. Meeting is adjourned at **9:15 p.m.**

Respectfully Submitted By: 