



MINUTES SPECIAL MEETING
Borough of Union Beach
Thursday, August 18, 2016- 7:00 p.m.
Municipal Building- 650 Poole Ave.
Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at 7:00 P.M.

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

SALUTE TO THE FLAG: Mayor Paul J. Smith, Jr.

MOMENT OF SILENCE: Mayor Smith calls for a Moment of Silence for our Engineer's Brother-In-Law and Union Beach Resident John Dorr. Mayor Smith also states that we are dressed casually tonight in team spirit clothes for Keyport. Last week was for the Keansburg Titans.

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 has advertised meeting in Asbury Park Press, Borough Website and on Bulletin Boards and has noticed residents by mail.

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
Robert M. Howard, Jr., Borough Administrator
Anne Marie Friscia, Borough Clerk

NEW BUSINESS: Mayor Smith states that the Council is the Local ABC Board and on tonight's Agenda is a meeting with the Residents and UB Social Owner, Tom Plinio.

ATTORNEY: John T. Lane, Jr. – Discusses that we did pass the license and we did put conditions on that ABC License. We did pass a Resolution and discuss that the conditions would take effect immediately with the exception of the written policy for the hiring of Police Officers – which we did not have prior. This policy is now drafted and he would expect that either Monday or Tuesday of next week it would be finalized with the PBA to see if there are any other concerns.

Mr. Plinio answers that the signage is complete, cameras are installed. Attorney states that all we are really left with is the issue regarding the closing time and the need for a Police Officer at the door on Friday and Saturday nights. This is what we are here to discuss.

MR. TOM PLINIO, OWNER – UB SOCIAL RESTAURANT AND BAR, 910 UNION AVENUE:

He is asking for is for the Police Officer to be lifted because it will put a business strain on him – one that he cannot afford. The town or whoever is working that night would actually be making more money than he would. He is a new business and every little penny counts right now. As far as the time, it was set at 10 p.m. during the week and he is asking for 11 p.m. and on the weekends instead of 11 p.m., he is asking for 12. He is asking to have these times lifted a little bit. He hopes that the Board can help him out since he is a new business in town.

MEETING OPEN FOR PUBLIC DISCUSSION:

Mayor Smith Opens the Meeting for Public Discussion Relating to this topic at 7:08 p.m.

Rose Waller, 804 Cambridge Avenue:

Regarding the off-duty Police Officer, she feels that we most definitely need one. We have a lot of criminal action where she lives on Shore Road. It is very dark and they have had literal brawls on her street - cars speeding to the dead end, just a lot of problems. Her biggest concern coming here tonight has been the off duty Police Officer and not at the door, but located on Shore Road and Cambridge in that area. Whether they are situated in one area or drive around Union Avenue and Cambridge if it is very busy? We need that. She has been awoken, again cars speeding, parked cars on the block almost been hit. One of them her daughters'. She understands, completely, that he has expenses, owning a bar, she can't even imagine. However when you have a business, going into it, one must take into consideration it is an expense, especially when people are consuming alcohol or whatever. You need to be accountable for your business and because it is not just her but the residents that have complained. She was not at the last meeting about what has been happening from these people at the bar. We have had bars there before, Stevie G's and

Jakeabob's we have never had this. This is a necessity. So she wanted to speak out and again, all due respect to his business (Tom Plinio and UB Social) and the business owner, we all live in the same town and she is all about everybody get along. It may sound corny but she means it genuine. The other thing is that she has an autistic child and discusses the noise ordinance as we are getting into the fall season. Children go to bed. She hears the music from 804 Cambridge and her husband goes to work. They go to work early and they are awakened. To have an Ordinance changed to even later, just so you can accommodate your business is ludicrous. She doesn't mean that disrespectfully again to the owner (Tom Plinio). She pays taxes and considers herself a good citizen and if she has to obey the laws of Union Beach, she feels that we all do, whether you are a business or not. Lastly, she does not know how it is zoned but she doesn't feel the bar should be there. But that is not point. There are houses to the left, to the right, in front, behind. She can't even imagine what it would be like to have a house right across. It is loud.

Joline Buckalo, 716 Park Avenue:

She did not receive a letter because she doesn't live on the Cambridge Block. A lot of residents are not aware of what goes on. She found out because she has friends on that block. Union Beach has been established, she can't imagine how many years ago. She has asked her neighbors who lived here for 50 years and there has always been a curfew in place. Now if you change his time of noise ordinance, you change it throughout the town. This is not a summer home resort spot. We are the working class people. She personally gets up at 4 a.m. to go to work to be in work for 6. How dare you think that she wants to be up at 11 at night because a business in town! (Quoting you Mr. Smith "You had said to me some years back when you buy next to a bar you expect noise", ok. She didn't buy next to a bar and she doesn't want her town time to change.

Mr. Smith – Can you hear the noise from the bar on that block?

Ms. Buckalo – It is not that - but if you change the town time for him.... She is just saying...

Mr. Smith – we have not done anything and this is why we are having this meeting to discuss it. You are saying how dare you! We have not done anything

Ms. Buckaloo – she knows and doesn't want you to.

Mr. Smith: So please listen.

Ms. Buckaloo – let's be honest, if you change it for his provisions – you have to change it throughout the town.

Mr. Smith – Yes, if it was changed – it is for the whole town, that is correct.- we are meeting on this but have not done anything for you to say, "How Dare You!"

Ms. Buckaloo – this is what she is afraid of – ok because she heard right here in this building that if you change the time for him, you have to change it throughout the town. You can't change if for a commercial license.

Councilwoman Roche – We know what we can or can't do.

Ms. Buckaloo – this is her concern – This is a working class town. We get up, we go to work. We have children that have to go to school.

Councilwoman Roche- states she lives down the block from the Bar so she knows what we are talking about.

Ms. Buckalo – again states that Mr. Smith told her that if you live next to a bar you should expect noise. She does not live next to the bar but does not want noise after 10 p.m. at night. She is sorry, she gets up – goes to work – her taxes are paid. She does not owe this town any money. OK – It needs to be addressed. This is not just about the bar. This is about the residents and if it is not going to benefit all the residents, then nothing should be changed for a bar.

Attorney, John T. Lane, Jr.: Just so everybody understands, the current Ordinance is 11:00 p.m. We put in 10 p.m. and 11 p.m. in the conditions, but our Ordinance is for 11 p.m.

Susan Ellison, 909 Union Avenue: She lives directly across from UB Social and she is against changing the noise Ordinance. We are a working class town. She gets up in the morning at 5:30 a.m. People in her house get up at 4:30. She hears the noise past 10 p.m. during the week. She thinks it is asking too much. You can hear the music thumping in her living room-clear as a bell. It is disruptive as she tries to watch TV, talk on the phone. It is loud and unnecessary. She hopes the Board will take that into consideration.

Heather Iurato, 1004 Shore Road: In reference to who moves next to a bar or not next to a bar that is correct, but I did not move down the street to an outside bar, just to very clear. When she moved in eight years ago, there was a bar, "Did you ever see me before that? – No." They had some garbage on their lawn – no big deal. Now there is an outdoor bar. She hears it all night, her children hear it all night and it is absolutely not favorable. To address the one thing that he (Tom Plinio, owner) said as far as a Police Officer being a strain financially, she would like to know how much the Police Officer would cost?

Attorney, John T. Lane: The town Ordinance for Road Work is \$85.00 per hour. That would be 10 hours per week that would be \$850 per weekend. Approximately \$44,000 per year.

Heather Iurato: So when we were back here in May and June, we all talked and got up. She has the notes from the May meeting. The June Meeting minutes have not been published yet. Multiple people talked about not feeling safe. So based on all of that information that was offered, that provision was put on his license for a Police Officer, because we did not feel safe in our own homes and now you are telling me that the safety of her children is not worth \$44,000.00 No, No No....

Mayor Smith: We never said that!

Heather Laurato: That is what you are saying. That is what I am hearing. That is what I am perceiving.

Mayor Smith: Asks, "How would a Police Officer at the Bar protect your home?"

Heather Laurato: They are watching and making sure that no one is getting out of hand. They are watching the bar- how do you even think of that.

Mayor Smith: Lets be real here- Lets not say we are not protecting you and your family.

Heather Laurato: I think this is being real.- she doesn't need to be yelled at.

Mayor Smith – you shouldn't tell us that we are not trying to protect the families of these residents.

Heather Laurato: That is how she feels.

Mayor Smith: Well you are allowed to feel the way you want. but you shouldn't say those things – that is horrible.

Heather Laurato: She has felt like that since day one- then on June 30th you guys passed provisions that left us cheering, like wow – this is a great community we felt good, we starting fixing up our house again like we were going to stay and then July 7th, the next weekend, the weekend after, he is not closing down! Well she has something that she received in the mail telling her that she must cut the long limbs on her tree in front of her house within 5 days or she would get a municipal court summons.

Mayor Smith: That is not from us.

Heather Laurato: But it is from the town.

Mayor Smith: We don't tell our Code Enforcement Officer to issue letters.

Heather Laurato: Well if you are going to hold her accountable for trimming limbs on her tree, she would think that this would be just as important and that there would be some consequences. She had specifically asked Mr. Lane when they were here last, "What were the consequences?" Unfortunately, she could not print out the minutes from the last meeting because they are not on line yet. However, she specifically got up one last time that night and said "What are the consequences if he doesn't follow the provisions?"

Attorney, John T. Lane, Jr.: Just to be clear here, the Police are responding to all of these calls. There is a record of resolving the calls. For the most part, they disbursed the people, they tried to get them to go inside, they had them turn off the TVs and forced them to comply. Some of the calls are at 11:05, 11:30, 11:44, but they do respond to every call. Some of these calls were responded in four to five minutes. They get there and they deal with the people there. He has read the complaints and will go over them with the Chief. Summonses can be issued. The Officer always has the discretion on whether or not to file the charge. We do not sit here and second guess what each Officer does. Every time someone is stopped for speeding they don't get a ticket. Every time someone is stopped it doesn't always result in an arrest or an issue of a violation. We are working to get compliance. There were motorcycle complaints and others that are not clear what they were really for. The very specific one by 11 p.m. on a weekend and 10:00 p.m. on weekdays the outside should be closed and from what he is reading he does not know if that is really closed. The TVs are supposed to be off and the only people that are supposed to be outside are supposed to be those smoking and the drinks should not be brought outside either. We are here to discuss. The provisions are here and there are a couple of calls after the provisions had gone into effect.

Councilman Williams: A couple on the 30th right after the meeting. That night.

Attorney: 22nd, 28th, the last two weekends. July was better than August. He can see this is an enforcement issue. He is not hearing any real reasons to change anything. This may have begun with the belief that some people had thought that the cost of the police was excessive in the neighborhood and that these restrictions weren't there. Does anybody feel this way.

What has not been discussed is that the Ordinance says 11 p.m. on weekdays. There is no room to make the Ordinance 12:00 on weekends. The Police Officer at the door is imminent. This should have a marked impact on the sound outside. He is outside the bar. TVS will be off, smoking only outside.

Heather Laurato: you made a good point, in all of that you said – the concern is that who then is responsible for shutting down the outside bar at 10 and 11 o'clock. She has a full time job and a full time job at home with her children. She does not want to have to call the Police and say it is 10:15 time to close down the bar. She feels that this is what she is doing. It should not be the Police. It should be him. (Tom Plinio) the owner should be shutting it down at 10:00 it is up to him. Why are we sending the Police?

Attorney: Totally agrees, half the time the Police will be driving by observing and interacting without people complaining.

Heather Laurato: would like to think that he would be the good neighbor that he said he wanted to be at the last meeting and that he would take it upon himself.

Tom Plinio: 10 o'clock during the week and 11 o'clock on the weekend. At 10 o'clock the bar tenders pull down and 11 o'clock on the weekend the bar tenders pull out. The people out there are smoking. The other night which one of the complaints was, we said

we would take them out of there and put them in the parking lot. We put the smokers in the parking lot. There was another call, he had to put them back inside. That is all it is.

Councilman Williams: Addresses Tom Plinio – He went past there on Wednesday night, last week at 10:30 p.m. There was a bar tender serving drinks and Olympic swimming on the TVs at 10:30 p.m. on a Wednesday night.

Tom Plinio – the TV's may have been on, you are absolutely right. He is trying to enforce this.

Councilman Williams: Am I seeing an open Bar?

Tom Plinio: We could sit here and go back and forth all night. Whatever you guys want me to do. The meeting that we had last time you guys beat him up all day long – you know what he means. He is looking for some relief – If you don't want to give it to him he understands. – He probably will have to sell the place.

Councilman Wicki – comments to Mr. Plinio “When you were here in June, I felt you conducted yourself like a gentleman and He was very encouraged because you were saying good things about establishing a relationship with the neighbors” He was optimistic that it would happen. His concern right now looking at the Police reports, that consistently they are 30 minutes after the agreed upon closing time that there are reports of people at the bars and tvs being on. So as much as you are saying that you are shutting it down, the reports dispute that. This is the big problem that he has right now is that if you are really trying to be the good neighbor, it has not been proved out since our June 30th meeting.

Tom Plinio: It is 5 people. They could call every night on him. Obviously, you can see that they don't want him here. It has been a bar for 70 years. It is tit-for-tat right now. He does everything possible. It is a bar – he cannot be pinpoint. He is sure you are not pinpoint everyday of your lives. It can't be – he wish he was then he wouldn't be in front of everyone tonight. Every time you guys call he comes. When the Police come by he complies with them. If you ask any Officer, he is not a gangster or a cowboy in this town. He is trying to make it here and make a living for himself, his wife and his two kids. This is all he is trying to do. When I came here you had open arms, but the place was closed for two years. That what people have to understand. People got used to quietness. It was a bar for 70 years before that. He does not have all the answers, but whatever you want to do he will comply to.

Councilman Williams: He wants to address that ultimately and you had used the term good neighbor many times. If you were given the restrictions, you asked the Borough Attorney when do these restrictions go into effect. Without hesitation the Borough Attorney said immediately. So in his mind that bar should have been closed at 10 that Thursday Night and 11 on weekends per the restrictions. The fact that the residents are calling the Police at 10:30 and you are expecting the Police to come over and enforce something that you were told was in effect immediately, again – our Police do a great job in this town, but again the sentiment that he is trying to make is that you were told that those restrictions go into effect immediately. The residents should not have to call the Police night after night for you to do what you were told at that last meeting. Another questions he asks is that “you also had the right to appeal these restrictions with the ABC, have you taken any steps to do that or contacted the ABC with regards to these restrictions at all?

Tom Plinio: He has not contacted the ABC until he has completed his business with the Town. Getting back to your point Jeff, Like he said, they can just pick up the phone and say whatever they want to say, whether it is true, not true, half true whatever 200% true. The Police respond who are absolutely tremendous police. They come and call in back to the dispatch that it is not really a noise violation, the bartender is out, smoking is going on. Maybe a smoke on the inside Ordinance would help if you want to pass that...

Mayor – that is against State Ordinances.

Tom Plinio: You are just taking one incident and everyone else's incidents are piled up against him. So what else do you need.

Councilman Williams: If you are referring to the one incident that he made reference to before, when he drove past, In order for him to get to his house one way or another sometimes he has to drive past the establishment. He takes mental notes. It has been more than that one Wednesday night when he has driven past 11 during the week , 10:30 during the week after midnight on the weekends when the tvs are on there are people there. It is not just one incident. Since the 30th obviously. You came in here. To echo what Councilman Wicki said, you were a gentleman at that meeting.

Tom Plinio: I am a gentleman now.

Councilman Williams: You said everything that we (council) wanted to hear. – you wanted to be part of the community, a thriving business in the community, a good neighbor, but again, since the 30th he has not seen that.

Tom Plinio: You don't think I have been in compliance since the 30th?

Councilman Williams: not when he drives by at 10:30 at night and the bar is open.

Tom Plinio: at 10 the bartender breaks down the bar.- they have last call. They are told to go inside. He is losing customers because of the service – holding people by the hand and leading them inside. You don't want them smoking in the parking lot. The most part of it is that people are smoking as far as closing the bar he is not 100% all the time but he is closing it down. When you are driving by you may see the bartender behind the bar cleaning up he stopped serving at 10 p.m. but you have to clean and breakdown the bar to clean it board of health compliance. Closing, up the liquor, putting it all locked away, putting food away – it takes a while. If he starts cleaning at 9 but is still serving till 10 – it still takes and hour to clean it up anyway because it is being used.

Councilman Williams: Asks about the owning of other establishments.

Tom Plinio: No he does not own other establishments – just one business in Union Beach.

Councilman Williams: How many nights to you spend at this establishment on an average week.

Tom Plinio: Average of six days a week with some time off this summer.

Eileen Leon, 706 Cambridge Avenue – She doesn't care about the license. She has worked in a bar and she knows how long it takes to clean up and everything else she does it every day 30-45 minutes. It is the noise. You have a place where if they don't smoke outside in the parking lot they are smoking in the little area, but guess what they can eat in the little area, drinks in the little area as long as they are smoking. If they are going to smoke they should smoke outside if they want to eat and drink they should smoke in the building. She does not call the Police all the time, she calls when she can't fall asleep at 1:30.

Mary Chepulis, 504 Front Street: She does not live near UB Social but near Jakeabob's and is concerned about the Noise Ordinance Change. When she moved to Union Beach and bought her home she was not informed when the restaurant put in the tiki bar no one was informed in the neighborhood. It seems that this is what also happened here. Her question is "How do you not have to go before a Planning Board for a variance saying that now you are going to have an outside establishment?"

Mayor Smith: He did not go before the Planning Board, He was approved by the Construction Official.

Mary Chepulis: So no variance is needed for Jakeabob's?

Mayor Smith – The set up at Jakeabob's outside is a one year permit for the restaurant.

Mary Chepulis: She is not talking about this year but many years ago. She did not know about the outside. Where do the residents come into play when something like this is going to happen?

Attorney, John T. Lane: Asks how long ago was the Tiki Bar Installed.

Mary Chepulis: Approximately 7 or 8 years ago.

Attorney, John T. Lane: The outside facility if it didn't trigger any variances, the ordinance allows outside eating and drinking as long as the area is approved.

Mary Chepulis – as citizens we have to get a variance if we want to add a room on.

Attorney, John T. Lane: Usually because there is a non conforming structure, or you are bringing use that is not permitted in the zone, specific reason, i.e., your lot is undersized, etc.

Mary Chepulis: She moved there and there was no outside bar,

Attorney: Normally when you expand a physical facility, when you have a non conforming structure, or you are bringing use that is not permitted in the zone, but a restaurant-bar is probably bringing...

Mary Chepulis: So I could drink right in my backyard and bring a million people over every night.

Attorney: In a residential zone, probably not because that use is probably excluded. He thinks where Jakeabob's is located is a commercial zone.

Mary Chepulis: Right.

Attorney: Which allows restaurants. So he could bring in a restaurant within the limited use of the Ordinance. They come in and say "here is what I want to do" they submit it to Zoning and they say thumbs up or thumbs down on the use. Restaurant permitted, outdoor music permitted, outdoor seating permitted. Then Structure – front yard, side yard, setback, how tall it can be, how short it can be – things like that – at the second review Does it need a variance ? The zoning official may send them to one of the Boards for a variance. Separately, and in the case of a bar there is a separate area regarding the scope and area of the liquor license, where liquor can be consumed, whether it is indoors/outdoors. They just went through this process with Jakeabob's opening its current version. The ABC came down. Every single thing had to be approved. Temporary structures, it is here for one year.

Mary Chepulis: She gets all that, yet the American Legion who serves the veterans, can't serve liquor downstairs. Why is that?

Mayor Smith: It is a different License.

Attorney: They have two problems. One is the different license, secondly, they did go before the board and if they had gone before the board and asked to have an outdoor facility downstairs underneath they might have gotten it or they might not have gotten it. Remember that structure may or may not be conforming with the size of the lot and everything. If you double your floor area you double your parking, you double a lot of other considerations that may trigger a multiple of other variances. So, they didn't ask for it because they might not have gotten the approvals needed. They needed a lot of variances to start with and the questions as to if they double their serving space they would have doubled the size of their venue. Inside and outside and downstairs. They have a parking lot that is a certain size. If they double the size of the parking. They impact the whole area and for that reason they may have needed a variance to double the serving space and that may have triggered additional parking. Some of that downstairs

space were parking spaces that were necessary to get the approval that they have and now they want to use those designated parking spaces as service space.

Mayor Smith: They can get special permits to have events downstairs which we have never denied.

Attorney: Once you go into court and ask for certain amount of relief and get an approval, now you are in the four corners of your approval. They did not ask for that approval. We can't just go and say we like the American Legion, so we are going to give them everything they want without an approval. It would not be fair to everybody else who goes there and gets an approval and uses the four corners.

Mary Chepulis: I still think you are discriminating against the residents of Union Beach.

Mayor Smith: We haven't done anything – this is just discussion.

Michael Weatherholt, 709 Cambridge Avenue:

He does call the Police. He had to call the Police Officer on the 3rd at 2:13 in the morning. There was a fight in the parking lot that woke him and his family up. They actually had Union Beach and Hazlet Police come. He does not know what happened after that as he could not see over the fence.

Attorney: On August the 4th at 2:13 a.m. – Summonses were issued for a 1041 this was an arrest. at 2:11 there was a call and a fight between two people we have their names and summonses were issued for fighting in the parking lot. Attorney reads from the report as to the fight in the street at 910 Union Avenue – Arrests were made.

Michael Weatherhold: This is well after closing and he has a problem with the owner not being there every night. There is a bartender there who has a very loud voice. You can actually hear it two houses down after 10 p.m. People are trying to sleep.

Joline Buckalo, 716 Park Avenue:

She has a question for the Borough Attorney. You said that just as an example that the American Legion wanted to put a bar downstairs and they were going to take away parking spaces. Which again would inflate their need. When the Union Beach Social built a bar outside, there was parking spaces that were eliminated. You also stated that the variance law changes. " She have in Union Beach gotten three variances to live here to put an addition on her home and to put a shed in her backyard. She needed variances. Her house is of old structure so it sits six inches from the line. So even though the structure that she was building was going to be in the correct perimeter, she needed to get a variance because her present structure was on the line. Her question to the Attorney then is "how is a bar built outside when the Union Beach Social building sits on the sidewalk and does not have the required by the Town of Union Beach of a 25 ft setback?"

Attorney: He does not know what was done in any of her cases. In a non-conforming structure, if when you change the building it does not increase the non-conformity then they sometimes don't make them go before the Planning Board. For example, if you have a non-conforming structure and you buy more parking spaces, they would not send you back to the Board to get more spaces as long as you are properly zoned. If they are shrinking the size of the building and not creating any new variances, even though it is a non-conforming structure, they may not send you to the Board because it does not increase the non-conformity. In your case, if it is wide coverage, it may have increased the lot coverage of non-conformity. There are various reasons why a Zoning Officer may or may not send you to the Board.

Joline Buckalo: She was under the impression that Town-wide the rule was that you had to have a 25 ft setback or you needed a variance.

Attorney: Every zone is different, some of the buildings have grandfather rights in a pre-existing Ordinance. They are non-conforming structures that are grandfathered. For example if the house is built too close to the street, they are not going to let you build closer to the street. If you want to go off the back further away from the street, not every zoning officer will send you to the Board.

Joline Buckalo: in the case with UB Social, the building is on the main strip, it doesn't have a 25 ft setback ok and you used parking spaces to put in a permanent fixture. That bar is permanent – it is concrete.

Mayor Smith: No parking spaces were taken away.

Attorney: The parking spaces are still there. He believes there are six that go right up to it. He does not believe there were any in front of that outside area. It was at least an outside seating area prior.

Joline Buckalo: There are still no registered permits for this building either.

Attorney: We will look into this. He asks owner Tom Plinio if permits have been filed for outside electrical and outside plumbing.

Tom Plinio: They have been filed.

Attorney: Do you have copies because we have not been able to fill an OPRA request and were unsuccessful.

Heather Laurato: There are still no permits yet on file. We seem to have gotten side tracked. We are here to specifically talk about the restrictions that were put on and the possibility of them being removed or changed in one way or another. Because she does know that there is a meeting after this, she thinks it is good to refocus. She asks if she is allowed to read a letter from Rose

Marie and Vito Zerrillo who live on Cambridge Avenue and who have since put their house up for sale and who are unable to attend this meeting. They are on vacation and were unaware of this meeting until Monday.

Attorney: You cannot read someone else's letter.

Heather Laurato: Can I submit a letter that they wrote.

Attorney: They can. (the Zerrillos)

Heather Laurato: She is being honest when she came to the Borough last week she said, "if the rules were being followed and he (owner) came up and said you know I am being a good neighbor, you put the restrictions on, I followed them. I am losing a lot of money. It would be a different conversation, I think." She thinks a lot of us would be feeling a lot differently, but the fact that she feels that she has become part of the Police Department by calling at 11 p.m. on a weeknight and well after midnight on the weekends to report the fact that the tvs are still on the music is still on and the outside is still open. She thinks that is just proof in the pudding – she said if you are going to be a good neighbor I will believe it when I see it and she thinks that she can speak for most of us that we have definitely not seen it.

Mike Ervin, 909 Union Avenue: The music is still is loud. There is tv's on past 11 and if they are a sports bar why does he hear club music. If you are a sports bar you would hear sports. He hears thumping in his living room. He gets up after 4 o'clock in the morning. If he is hearing it at 1 o'clock – 1:30 in the morning, when does he sleep? He tried talking to him numerous times saying Monday through Thursday keep it down until 10, Friday and Saturday if you want to be a little loud, he doesn't care, but he did not want to go that route. Still since the last meeting, it is still going on past 11 p.m., 12, 12:30, 1:00. If you are a sports bar, family owned, family business, then why is he hearing club music. He is a club not a sports bar. If he was a sports bar, wouldn't he be hearing sports? Why is he hearing thumping, club music every night? As far as the outside bar, he has lived across the street from that bar for 40 years, there were no variances or nothing for an outside bar. There was a bar, an apartment then it became a deli. So how that got approved to be a bar outside is beyond him, especially right on top of parking lot.

Tom Plinio, 910 Union Avenue: Addresses Mike Ervin, Mike you are also the guy, when he pulls up every day for work, you tell me you are calling the cops no matter what, whether it is noisy or not. Mike, you are another guy who comes into my bar and drinks and then you drink and then you go to house...

Mayor Smith: Requests that Mr. Plinio Address his comments to the Council:

Mr. Plinio continues that neighbors like to come to his bar and harass him, so maybe he should file complaints against every body there too. They like to come into his bar and drink and then go call the cops on him too. He has pictures of and videos and so forth.

Eileen Leon, 706 Cambridge Avenue: She has never stepped in the bar, ok so it is not everybody. You need to have your names and everything else. She does not care about his license, what she cares about is her sleep.

Maria Weatherhold, 709 Cambridge: She complains about the noise till 1 o'clock and that she could not sleep. The motorcycle noise in the parking lot. Women screaming too loud. She is very upset and does not want the time extended. They call the police as a solution.

Mike Weatherhold, 709 Cambridge Avenue: He has not stepped foot back in the bar after all this started and he doesn't plan to step foot again. If he can't fix it and make every body else happy, he doesn't know what to tell him.

Brian Caronia, 919 Union Avenue: This is just about the outside bar and there is noise in general, but just the amount of people and talking at whatever time of night. His room is right in front, right next to this outside bar. This not personal against the owner. This just has to do with noise. This is all he really wants to say.

Rosanne Waller, 804 Cambridge Avenue: She just wants to be clear as to the off-duty Police Officer. Would he be stationed at the door or more towards Shore Road, where it is dark and desolate or by the bar? It is just so busy and for her personally, she feels the need for just the presence of a Police Officer would minimize the loud music, the loud talking, the speeding down the dead end. She just wasn't here so she just wanted to ask

Councilwoman Roche: You want a Police Officer down the street?

Mayor Smith: The approval given last month was for a Police Officer to be by the door and in the parking lot.

Attorney: Other Police drive around the area, his principle area would be the bar and right outside the bar.

Roseann Waller: She wasn't certain. She is looking for Shore Road from Union Avenue is not a great drive, so he would be travelling not just stationed at the door, but would be in the area? She wants the Officer driving around that small little area. She lives down that road, there are people speeding to get away from the cops at 2 in the morning. She hears loud music because her bedroom is in the front and common sense with all due respect to the Council, if she was at a bar and the Police Officer is at the front of the bar, cool when we leave the bar and go down her block where they park, that is where all the loud talking and you start your car up and putting your music on. That is where the trouble is. How is the cop going to hear that from the bar to her house? If your home was there, she believes they would agree with her. She just wants some compassion. Even if it is 2 or 3 cars, if it is down Shore Road by Heather's home or by hers in that small area, when these people get in their cars, all due respect, they turn the cars on, the music goes loud. As they are going to their cars, they are loud, laughing, they are drunk. She can hear that as they go to the car, as they are leaving the cars and going to the bar before they even drink and after they drink. The music is going. This is part of it. When there are problems and the cops are coming down and they are speeding on a dead end. This is what is

happening. She is just saying, if she is this person and she is leaving the bar, cool a cop is there, you are wasting your time because he is at the bar. If he was to just drive and step on the peddle and just drive around in that little area, you would be doing a service. She is speaking on behalf of the residents because you are not there. She is living there like a brand and a consumer. A consumer tells the brand, this is what we need. As a resident this is a need. We need cops to be patrolling the area. This little area. She has seen cops by Jakeabob's by the way. They are all over by Jakeabob's looking at people, which is great. We need help too. She feels like as people tell these stories, what kind of people are coming into our town. This man (Tom Plinio) cannot control it. Cops are making arrests. There is street fighting. Where is she living? This is Union Beach and a lot of people have looked down on Union Beach. Now, when people visit they say it is a cute little town. Our reputation has gotten better over the years. Sandy people are rebuilding. She goes home at night and it is not safe. She has an autistic son. He goes to sleep super early, so big deal the cop goes from the bar, down to Shore Road, back and forth. Is it a really big deal to ask the Council to do that.

Councilman Williams: Questions Attorney, John T. Lane, Jr., or Police Chief Ervin, as to if the Police Officer who is going to be stationed at the bar would have the ability to gage the crowd and if need be maybe radio a car and say we have a crowd tonight you may want to have a car in that general area. This might have to be written into the policy. He is not 100% sure how that works.

Councilman Cocuzza: He always would have that ability.

Police Chief Chuck Ervin, 821 8th Street: This would be in the procedure portion not the policy. As far as he is concerned the procedures are going to dictate Union Avenue, Cambridge Avenue, Shore Road. He will make a loop. He will be on foot, he will be in a car. It will be varying.

With no one else appearing to be heard, Mayor Smith closes for Public Discussion at **8:00 p.m.**

Mayor Smith calls for Motions:

Councilman Williams: Motions that Council does not make any changes to the provisions that were voted on unanimously at the June 30, 2016 meeting, seconded by Councilman Wicki and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Perrella, Councilman Wicki, Councilwoman Roche,
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza
Nays: None
Absent: None

Mayor Smith calls for a motion to Adjourn to our Regular Council Meeting of August 18, 2016:

Motion moved by Councilman Wicki, seconded by Councilman Williams and approved by unanimous Voice Vote.

Respectfully Submitted: _____
Anne Marie Friscia