

Florence, New Jersey
January 24, 2007

The Florence Township Council held a Special ABC Hearing on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order by Council President Baldorossi at 6:00 PM. President Baldorossi led the Salute to the Flag.

The following statement was read by the Township Clerk: "Notice of this meeting has been given in accordance with the Open Public Meetings Act. Notice was published in the Burlington County Times on December 31, 2006; given to the Register News for information. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

Frank Baldorossi, President
John Fratinardo
Bruce Garganio
Elizabeth Ryan
Jerry Sandusky

Also present:

Mayor Michael Muchowski; Richard Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; William John Kearns, Jr., Township Solicitor; Jack Vassallo, Special Legal Counsel; Joy M. Weiler, Township Clerk

BUSINESS

F&A Inc. (Downtown Tavern)

Solicitor Kearns stated that these are alcoholic beverage charges. In discussion with the licensee, the licensee is prepared to enter a plea of non-vult, which means they do not contest the charges. The licensee has agreed to a suspension of the ABC license effective at 2:00AM on February 1, 2007 for an indefinite period. The suspension will be terminated upon the approval of the transfer of the license to a bona fide, non-related third party pursuant to an arms-length transaction. Any transfer of the license has to come before Council for approval. This effectively means that they will close as of February 1, 2007 and will not reopen until the license has been transferred to a new owner.

Administrator Brook stated that the owners of the business, Lou Feola and Jim Angelini, are present this evening. He has communicated with Mr. Feola many times verbally and also in writing, which is part of the record. The last letter from Administrator Brook to Mr. Feola is dated January 8, 2007. Mr. Feola has a copy of Resolution No. 2007-41 that essentially spells out the charges and what he has voluntarily agreed to do with his establishment. Solicitor Kearns asked Mr. Feola if that was correct? Mr. Feola stated that it was. Solicitor Kearns asked if he was agreeing to that penalty? Mr. Feola stated 'yes'.

RESOLUTION NO. 2007-41

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE ON THE CHARGES AGAINST F & A, INC., T/A DOWNTOWN TAVERN, HOLDER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 3515-33-007-002

It was on the MOTION of Fratinardo, seconded by Ryan that Resolution 2007-41 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Fratinardo, Garganio, Ryan, Sandusky

NOES: None

ABSENT: None

ABSTAIN: Baldorossi

Motion carries.

Solicitor Kearns stated that Mr. Sitzler represents Wesley's Pub and Aiebon Corporation and should be here shortly. Mr. Ferrell, who is also not present yet, represents Hiral Kimi, Inc.

Solicitor Kearns suggested Council enter a brief Closed Session for discussion of some of the legal issues involved.

6:05PM:

It was on the MOTION of Garganio, seconded by Fratinardo to enter into CLOSED SESSION. Roll call vote – all ayes.

6:40PM:

HEARING CONTINUED.

Hiral Kimi, Inc. (Town Liquor Store)

Paul Ferrell, Jr., Esq., an attorney from Marlton, NJ, introduced himself. He represented Mr. Patel, owner of Town Liquor.

Solicitor Kearns stated that he has had discussions with Mr. Ferrell regarding the violations. His client was charged with the sale of alcoholic beverages to underage individuals and the obstruction of the police investigation by not making the videotape available. Solicitor Kearns asked Mr. Ferrell if his client was aware of those charges? Mr. Ferrell stated that he was aware.

Solicitor Kearns advised Mr. Ferrell that Council has authorized him to offer, to his client, a plea of non-vult in agreement that there will be no appeal of the decision, a penalty of an actual suspension of one (1) week (seven (7) days), which can be served by Mr. Ferrell's

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client four (4) days one week, three (3) days another week. Mr. Patel can advise which week, starting next Monday. An additional twenty (20) day penalty, that will not be required to be closed, but if Mr. Patel has another violation the result will be that he will have to serve those twenty (20) days, plus what ever results from the other charge. Solicitor Kearns asked Mr. Ferrell if that was acceptable to his client? Mr. Ferrell stated that it is. Solicitor Kearns asked Mr. Ferrell when his client would like to serve which days? Mr. Ferrell stated that his client would like to serve beginning the 29th of January, three (3) days; and the following week the balance of the four (4) days. Solicitor Kearns stated that will be from 2:00AM, January 29, 30 and 31, 2007 and February 5, 6, 7 and 8, 2007. Solicitor Kearns advised Mr. Ferrell that his client will have to bring the license to the Township Clerk, Joy Weiler, on the day he closes and pick up again on the day he is allowed to reopen. Solicitor Kearns stated that the only notification that can go on the door is that the facility is closed, no elaboration. He also advised that if Mr. Patel has any employees in the store while closed they cannot have any liquor open, any sales or deliveries. Solicitor Kearns asked Mr. Ferrell if his client understood and it was acceptable? Mr. Ferrell stated that his client understands and it is acceptable.

Solicitor Kearns reiterated that if a violation occurs any time in the next two (2) years the additional twenty (20) days would be imposed on Mr. Patel.

RESOLUTION NO. 2007-43

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE ON THE CHARGES AGAINST HIRAL KIMI, INC., T/A TOWN LIQUOR STORE, HOLDER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 0315-44-010-004

It was on the MOTION of Ryan, seconded by Garganio that Resolution No. 2007-43 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Fratinaro, Garganio, Ryan, Sandusky, Baldorossi
NOES: None
ABSENT: None

Unanimous approval.

Wesley's Pub (Verann's)

Solicitor Kearns introduced John Sitzler, Esq. attorney for Wesley's Pub. Solicitor Kearns explained that Mr. Sitzler's client has been served with charges and the charges are essentially allowing people to take alcoholic beverage and open containers outside the premises. Solicitor Kearns stated that Council has authorized him to propose to Mr. Sitzler's client a penalty that will consist of two parts; client must submit in writing, within the next

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fifteen (15) days, a management plan to be sure these violations do not occur in the future and oppose a ten (10) day penalty, the client does not have to close but if there any further violations in the next two (2) years they will have that ten (10) penalty plus whatever occurs from that violation. Mr. Sitzler has discussed this with his client and they have authorized him to ask Council to entertain their plea of non-vult to the violation. They also instructed Mr. Sitzler to advise Council that they have been following remedial measures; they employed a bouncer on a regular basis in the evenings, they have posted signs regarding taking alcohol out of the building, they now utilize two (2) bartenders on the busier evenings and they have permanently barred the individuals that caused the violation. Solicitor Kearns suggested that if Mr. Sitzler's client has a problem with a patron going out, they call the police. If they seek police assistance, it would not be a charge against them. Solicitor Kearns stated that Downtown Tavern surrendered their license earlier this evening due to particular serious problems they have had and the concern is that crowd may go to Wesley's Pub. He advised Mr. Sitzler's client that if they start getting an influx of the crowd from the Downtown Tavern that was creating virtually a riot to call the police immediately.

RESOLUTION NO. 2007-42

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
FLORENCE ON THE CHARGES AGAINST WESLEY'S PUB, INC., T/A
VERANN'S RESTAURANT, HOLDER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 0315-33-002-005**

It was on the MOTION of Fratinardo, seconded by Sandusky that Resolution No. 2007-42 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Fratinardo, Garganio, Ryan, Sandusky, Baldorossi
NOES: None
ABSENT: None

Unanimous approval.

Solicitor Kearns suggested that they return to CLOSED SESSION for further discussion.

6:55PM:

It was on the MOTION of Fratinardo, seconded by Sandusky to return to CLOSED SESSION. Roll call vote – all ayes.

7:25PM:

HEARING CONTINUED.

Aiebon Corporation (Illusions)

Solicitor Kearns advised Mr. Sitzler, attorney for Illusions, that his client was served with the charges in this matter. He asked Mr. Sitzler if he discussed the charges with his client? Mr. Sitzler stated that he has. Solicitor Kearns trusts that Mr. Sitzler's client understands the serious nature of the charges. He stated that Council authorized him to propose a penalty of a total of eighty-five (85) days; forty days to be served beginning February 1, 2007. The license must be turned into Clerk Weiler. The remaining forty-five (45) days of the suspension will be held and assuming there are no further violations, within the two (2) year period, that will then disappear. If, however, there is a further violation with regard to the serious lewdness charges that were brought, the additional forty-five (45) days will have to be served in addition to any other penalty on the new charges. During the time that the premises are closed, the gate in the back will have to be locked. Solicitor Kearns verified with Mr. Sitzler that he is the attorney for Illusions and he has conferred with his client and it is acceptable with his client? Mr. Sitzler stated 'yes'. Solicitor Kearns stated that there is a stipulation that it cannot be appealed. Mr. Sitzler agrees.

RESOLUTION NO. 2007-44

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
FLORENCE ON THE CHARGES AGAINST AIEBON CORPORATION, T/A
ILLUSIONS, HOLDER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 0315-33-001-002**

It was on the MOTION of Ryan, seconded by Garganio that Resolution No. 2007-44 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Fratinaro, Garganio, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

On behalf of Council, Administrator Brook thanked the Police Department for their hard work, documentation, diligence and professionalism. Solicitor Kearns stated that when the police officers were not present this evening Town Liquor apologized for not making the tapes available. Each Council Member personally thanked the Police Department. Chief Gordon Dawson thanked Council for their support.

PUBLIC COMMENT

Nothing at this time.

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All residents having an opportunity to be heard, MOTION by Ryan; seconded by Sandusky to close the public portion of the meeting. All ayes - motion carried.

COUNCIL COMMENTS

Nothing at this time.

7:30 PM MOTION by Ryan, seconded by Sandusky to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

7:30 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab