

Approved 4/14/08.

June 19, 2006
Keyport, New Jersey

Minutes of the Special Meeting of the Mayor and Council, held on the above date in the Council Chambers, Borough Hall, 70 West Front Street, Keyport, New Jersey pursuant to being called by Mayor and Council. Notice was forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 6:05 P.M. and read to Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Walling, Wedick, Sheridan, Ortman. Absent: Councilmembers Hassmiller (arrived 6:08 P.M.), and Bergen (arrived 6:20 P.M.). Others Present: John Wisniewski, Borough Attorney.

Mayor Merla recused himself at 6:06 P.M. and Councilman Wedick led the meeting.

HEARING ON LIQUOR LICENSES

1. Uptown Bar and Grille, Broad Street - Expansion of Premise Application (Second Hearing)

The Hearing was opened at 6:05 P.M. Louis Granata, Esq. for the Uptown Bar and Grille said the survey and other information has been provided as requested. Borough Attorney, John Wisniewski, commented on the additional information provided by the Uptown and reviewed the deeds and proof. The report has been supplied to the Mayor and Council by the Borough Attorney in his findings. The information submitted is less than complete. Sufficient control is not shown. Mr. Granata said Mr. Kantos has the Deed in Escrow; we will get it from him and provide it. Written lease will be obtained and further provided. The verbal lease is not accepted. Mr. Ortman asked if the Open Investigation status would be open or closed session. Mr. Granata said he wanted this to be in open session because the client should be aware of the investigation. Mr. Wedick said the renewal can go through but not the expansion.

Mike Lane, First Street, said he listened to the tape from April 4th. Mr. Granata promised and committed to providing all proofs. Please do not permit expansion; they are looking to double the lot size for the license. This would double the capacity of the bar; 99 is the capacity now. Mr. Lane asked what is the capacity with the expansion; how will business be done differently? Mr. Lane asked if the new survey shows the fence, deck, etc.; no. The applicant testified as to the whole property lot and drinking below the retaining wall. Mr. Lane also asked if it shows the retaining wall and church easement; no. The ownership and deed information was promised. Mr. Lane gave a summary of the ownership of property. There was alot of misinformation in applications submitted. At the last meeting we were told the horseshoe pits would be included. Mr. Wedick said Mayor and Council will approved where consumed. Mr. Lane said the Internet shows the definitions of the Liquor Licenses, no corporation registered with an "e". Regarding Lot 63, Survey and Easement, there is a conditional contract for obtaining property. This may not go through; the lot is tax exempt, we owe back taxes for a few years. It was asked about the Brothers in Christ liability and responsibilities. The ownership handout was updated from April 4, 2006. Charles Merla is

listed as all officers. Mr. Lane said nothing has been cleared up since the April Hearing. No boundary conditions have been set. There has been Mutual Aid in the last week in this area.

Mr. Ludwig, 50 Beers Street, said he looked over some of the information. Mr. Granata asked why Mr. Ludwig is questioning Title and Legal issues; legal counsel should guide Mayor and Council. Mr. Wedick said Mr. Wisniewski will advise. Mr. Ludwig said the Uptown should clean up and provide what was promised. The purchase of property is coupled with a vehicle. Property is owned by the Church. Mr. Wisniewski asked whether there can be an expansion if there is a lease. Mr. Ludwig said the chain of ownership needs to be clarified. The applicant should have a clean license. There should be a penalty put on license if it is renewed and conditions should be made. The Hotel Assessment was brought up.

Angel Matos, 47 Chandler Avenue, said this is a follow up from the April 4th meeting. The capacity is being double and that would greatly impact Mrs. Hughes and she may lose tenants. That would be a loss of revenue for her. You have to consider other businesses in the area. Mr. Granata said Mr. Matos should not represent Mrs. Hughes. A license is needed to advocate. Mr. Matos said he is concerned with any disturbance to Mrs. Hughes.

Liliana Hughes, 24 Broad Street, said she is losing tenants and paying alot of taxes. She said her parking lot is being used by their patrons and she has two tenants. There are some in the front and others in the back. Mrs. Hughes said she is constantly cleaning her property. Mr. Granata asked how the expansion would cause you to lose tenants. Mr. Bergen said there are problems from the clientele or scope of operations. Mr. Bergen asked whether or not they mind the expansion and if they mind the use of the parking not. Mrs. Hughes would like the parking lot kept clean. Mrs. Hughes said she is losing tenants and spoke regarding the cost to advertise, etc. The noise right now is O.K. but what if the back is opened. What will happen then? There was a discussion between Mrs. Hughes and Mr. Bergen about the noise, urination, and language. Mr. Bergen said to call the police and send a letter to Mayor and Council regarding concerns. The bar owner should be held responsible.

Robert Ludwig, 50 Beers Street, spoke regarding the selling of packaged goods; they should reapply with a clean application.

Nina Jeandron, 65 Broad Street, said she has lived here 35 years with no problem. There have been many improvements. In a commercial property area, there will be noise.

Mr. Ortman made a quote from the April 4, 2006 tape to Mr. Granata, "Attorney for deed and property."

Mr. Bergen said to Mr. Granata that he has spoken with Tom Mitchell. Review the application and make sure spellings are correct. Mr. Mitchell said that there isn't any record on Josie Merla. Mr. Bergen said the Uptown Bar & Grille doesn't have possessory interest in Block 63. Mr. Kantor is to supply the Deed in Escrow. In church property ownership, no taxes are paid, if the property changes, taxes will be paid. Mr. Wisniewski said the tax assessor will do a visual inspection and assess/determine the license for the deck and nothing else. Mr. Bergen said to resolve the deck issue now; it goes through both lots. A variance would be

required. Mr. Walling said the Zoning Permit states a 30 x 25, but the deck is 30 x 30. Joe Merla said the deck is 25 x 30. Mr. Granata said the application will reflect that.

John Merla, daytime manager, said to inspect the area between the Bulkhead and Uptown. Those areas are clean. Not all of the garbage is from the Uptown and additional security has been hired since April 4, 2006. Some of the issues brought up by the public have been clarified and they will submit the State's inspection. Mr. Bergen asked if there are any steps off the deck; yes, two. The customers will exit from the front, not off the back. Mr. Sheridan said there is supervision at closing time on weekends. There are two security personnel. At 1:40 A.M. until 2:00 A.M. A question was asked whether they anticipate more personnel and security with the expansion; yes. Mr. Hassmiller asked if there are any outside cameras; there are four outside cameras. The nighttime manager is Paul Zajac.

2. McDonagh's Pub - Expansion of Premise Application

Jolie Schwartz and Ken Schwartz, 83 Waterman Avenue, Rumson, of Keyport Liquor License, LLC. There is a side door to Broad Street and a parking lot on the other side. The parking lot on the other side is owned by McDonagh's. McDonagh's Pub wants to allow dining outside during the summer. Mr. Wedick asked if there would be tables outside; yes, café seating. Outside would be service only, no bar. Mr. Wedick also asked how many patrons; not sure yet, but will not overcrowd. There will be approximately 15 tables and we are not looking to use the whole space. Ken Schwartz said the second floor, which is 3890 square feet, is not being used and there is a tenant on the third floor. Mr. Bergen asked if there is a lease for parking; yes, five years. Gales Hardware has five spaces until 5:00 P.M. Ken Schwartz said they are only using half the lot; there is plenty of other space. Mr. Wisniewski asked whether or not they would supply a parking space agreement to the Borough; yes. Mr. Wedick said on April 1st this would start the end of October; yes, weather permitting. Ken Schwartz asked if there was a real reason for restriction; they do not want restrictions. The empty residential units above are to be redone.

Ken Schwartz said the flow of the restaurant is through the front door. Mr. Ortman asked if the server is responsible for proofing patrons; every employee is responsible to proof. The server would be the primary person along with the manager. At the bar it would be the Bartender. With the check system the server has to enter the amount of patrons at each table. Mr. Walling asked if there is a smoking area; there are two benches towards the back of the area. Jolie Schwartz said there would be designated smoking area made. We are not really interested in packaged goods. Mr. Wedick asked if they would have Weddings or special occasions; yes, we would love to. Mr. Wedick also asked if there would be outside music; a strolling guitar player. Mr. Walling asked if they would allow a D.J.; never thought about it. Mr. Sheridan asked with doubling the size would there be closing time personnel; the servers have a rotation, 3 - 4 bartenders, and the managers. Mr. Ortman asked if there is security now; the managers and patrons that are officers. There have been no problems as of this date. Mr. Schwartz said there is one unit and a 36 seat bar. There is a manager, waitresses, bartenders, and bar back. Friday night is a big event evening. Mr. Sheridan thanked Jolie and Ken Schwartz for working with the Keyport Police Department. Mr. Wisniewski

addressed Lieutenant Mitchell on his memo. Ken Schwartz asked if they have to take back the front of the building; don't need. Mr. Ortman addressed the Keyport Police Department and asked if there are any outstanding issues Mayor and Council should be aware of; none. A gate is needed but will check with Fire Department if it needs to be open. Mr. Hassmiller asked about closing time; concerned that there are no restrictions on other licenses for time. Jolie Schwartz said from Thursday to Saturday there is food until midnight. Mr. Hassmiller said this is similar to a Chili's type atmosphere. There are no other problems or concerns. Mr. Wedick asked if there are any thoughts of enclosing the outside area; yes, in time would like to bring the same theme from inside to the outside. Jolie Schwartz said that they are working on awnings. Mr. Walling asked about the second floor. Ken Schwartz said Pat Corbett is to lease the third floor. Looks positive in looking to rent second floor, but if not the restaurant would expand up. Mr. Walling said he is concerned because there is no lease on the area. Ken Schwartz said he is particular in who he rents to. The third floor tenant would be advised of the plan. Mr. Wisniewski asked if they would come back for the second floor if it is not being used now.

Robert Ludwig, 50 Beers Street, said his concern was the sidewalk but it is not an issue now. Noise is a concern for the adjacent properties. With non-potential uses you should come back. They could sell license or alter once it is approved. The expansion should be limited to the parking lot and not allowed on the second floor.

Terry Musson, 51 East Front Street, said he supports Mr. Schwartz, they have done some great things on the corner. We need some outside dining in town.

Angel Matos, said he supports this and used to live in New York City. He asked who the staff would be; Jolie Schwartz and head bartender.

Mike Lane, First Street, asked where the second floor entrance would be; accessed through the bar.

Robert Ludwig asked if there is a thorough interview for employees; very stringent.

Council will consider this on June 20th.

RESOLUTIONS

1. Resolution #198-06, Closed Meeting - Personnel, Possible Litigation, Labor Relations and Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel

1. Public Works Personnel
2. Rice Notices

Litigation

Labor Relations

Contract Negotiations

1. Liquor License

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall for the purpose of discussing the following subjects:

Personnel and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel conducted at said Closed Session shall be disclosed when the matters discussed are resolved and with regard to Labor Relations when negotiations are completed and a contract executed and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Bergen, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman

Nays: None

Abstain: None

Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Wedick, second by Mr. Sheridan with Ayes by all present.

Time of Adjournment: 8:34 P.M.

