

TOWNSHIP COMMITTEE SPECIAL MEETING – JULY 27, 2016

Mayor McMillan called the meeting to order at 2:00 p.m. and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Dr. Michael Brantley, Nicholas Williams and Mayor Kevin B. McMillan. Absent: Carol Rizzo

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on July 21, 2016, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The Committee conducted a hearing on the Club Liquor License held by VPK, Inc. t/a Alpha Liquors. A Transcript Reporter was present.

Mr. Anthony swore in those testifying. Chief James Hunt and Lt. William Kirchner represented the Township. Kusumaker Kuchaculla represented VPK, Inc. Gail Oliver provided testimony.

Mr. Kuchaculla stated that he has operated the liquor store since 1986. He only wants to work another year or year and a half. He calls the police department for issues that occur outside his store. He cleans the area every night after he closes but frequent finds trash around his store when he returns in the morning. He indicated that he will not fight the Township and will accept any recommendation.

Chief Hunt and Lt. Kirchner distributed a copy of all calls for service and provided testimony as to the calls that occurred after 10:00 p.m. The liquor license currently contains a condition that the establishment must close at 11:00 p.m. Sunday through Thursday and 11:30 p.m. on Fridays and Saturdays. Chief Hunt recommended that the license be renewed with the condition that the establishment be closed every night at 9:00 p.m.

Mr. Kuchaculla stated that he would be agreeable to closing at 10:00 p.m. each night.

Gail Oliver testified that she complained about loitering at Alpha Liquors back in 2004. With other establishments, the patrons purchase and leave the area, but at Alpha's patrons buy alcohol and stay outside and linger. She is glad that this hearing is being held because MURC is trying to build the community and is concerned about the people who live here. The Township conducted a hearing in 2004 and set the hours as they exist today. She asked for more police presence in the area.

Mr. Anthony stated that the Committee is looking at what issues foster the activities described in the police reports. The act of Loitering on its own is not enforceable.

Mr. Bascom stated that more police are assigned to this zone as compared to any other zone in the Township. The Street Crimes Unit and ABC Enforcement Officers are actively engaged in this community.

AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN PUBLIC MEETINGS ACT

Mr. Bishop offered the following resolution, moved and seconded by Mr. Williams, that it be adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Deliberation on Hearing to renew VPK, Inc. t/a Alpha Liquors Liquor License

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Williams, aye; and McMillan, aye.

The Committee entered executive session to deliberate the matter.

Mr. Bishop offered a motion, seconded by Mr. Williams, to return to open session.

Mr. Anthony verbally provided a finding of facts and summation of conditions contained in the following Resolution:

RESOLUTION CONCERNING ANNUAL ALCOHOLIC BEVERAGE LICENSE 1334-44-022-002 HELD BY VPK, INC. T/A ALPHA LIQUORS, 1515 WEST LAKE AVENUE NEPTUNE TOWNSHIP

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

WHEREAS, the Plenary Distribution Liquor License issued to VPK, Inc. t/a Alpha Liquors, License No. 1334-44-022-002, located at 1515 West Lake Avenue, Neptune Township, New Jersey, is due for renewal for the 2016-2017 licensing term; and

WHEREAS, VPK, Inc. t/a Alpha Liquors has filed an application to renew said Liquor License for the 2016-2017 licensing year, and a hearing was scheduled for Wednesday, July 27, 2016 at 2 pm; and

WHEREAS, the Neptune Township Police Department raised concerns with regard to renewal of the aforesaid license with regard to Alpha Liquors, and as a result of said concerns, provided testimony during the aforesaid hearing concerning a history of incidences which generated Police Reports between January 1, 2015 and July 3, 2016 of late night crime activities from Alpha Liquors; including underage possession of alcohol, resisting arrest, open container of alcohol violations, disorderly persons offenses, criminal activities, criminal violations, violations of local ordinances and violations of ABC Rules and Regulations; and

WHEREAS, the owner and operator of Alpha Liquors was provided with an opportunity to testify concerning these allegations of the Neptune Township Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby finds the following facts:

FINDING OF FACTS

1. That since at least 2015 there has been a number of crimes and disorderly persons offenses, including but not limited to assaults, underage possession of alcohol, open container of alcohol violations, disorderly conduct, violations of local ordinances and ABC Regulations; most often such violations have occurred late at night;

2. That Alpha Liquors, despite numerous warnings, has had difficulty preventing the aforesaid violations; especially when they occur late at night.

BE IT FURTHER RESOLVED, that the governing body recognizes that as of the date of the hearing, a complete application been made by VPK, Inc. t/a Alpha Liquors, License No. 1334-44-022-002, to renew its Alcoholic Beverage Plenary Distribution Liquor License, and that the governing body hereby makes the following determination as a condition for renewal of the aforesaid license:

DETERMINATION

Impose the following CONDITION on the renewal of said license:

1. That the Alcoholic Beverage Packaged Goods License for Alpha Liquors shall be renewed effective immediately, but conditioned upon the closing of business for Alpha Liquors on a daily basis by 10 pm each night.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Alpha Liquors upon adoption and electronically transmitted to the NJ State Division of Alcoholic Beverage Control.

Mr. Bishop offered a motion, seconded by Dr. Brantley, to close the hearing. All were in favor.

Richard J. Cuttrel,  
Municipal Clerk