

TOWNSHIP COMMITTEE SPECIAL MEETING – JUNE 23, 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, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

Also present at the dais were Richard J. Cuttrell, 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 June 16, 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 VFW O'Brien Major Post #2639. A Transcript Reporter was present.

Mr. Anthony swore in those testifying. Chief James Hunt and Sgt. Paul Monahan represented the Township. Norman James, Don Braxton and Quartermaster Debra Jones represented the VFW.

Mr. Cuttrell noted that an application for renewal has not been filed, the renewal fee has not been paid to the Township, and the VFW does not have clearance from the State Division of Taxation to renew the license. Ms. Jones stated that they were given an extension on their taxes and that the application and fees will be filed.

Chief Hunt provided testimony as to the frequency of police calls. He produced flyers advertising events that were open to the public in violation of the provisions of a club license.

The following exhibits were entered into the record:

- N-1 – Calls for police service
- N-2 – Compliance inspection report
- N-3 – Memorandum of police calls
- N-4 – Flyers advertising parties at the VFW

Sgt. Monahan provided testimony as to the details of certain police calls.

The VFW provided testimony. Mr. Braxton indicated that the most of the calls for the police are for issues that are occurring outside of the building in the parking lot. A scanner is in use at the door to keep track of guests entering, cameras are operations inside the building and the bar closes at 10pm from Sunday to Thursday and 11pm on Friday and Saturday.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, 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 O'Brien Major Post #2639 Club 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; Rizzo, aye; Williams, aye; and McMillan, aye.

The Committee entered executive session to deliberate the matter.

Dr. Brantley left the meeting.

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

Mr. Anthony verbally provided a summation of conditions that the Township Committee will impose on the liquor license which will be memorialized by Resolution once the renewal application is submitted. These conditions are as follows:

That no Club License shall be renewed for the VFW; either an annual license or a temporary license, before the following conditions are satisfied and meet the complete satisfaction of the Neptune Township Police Department and the governing body of Neptune Township:

- a. The VFW must maintain an ID Scanner for all members and guests appearing at the VFW Club, which will identify the member and/or guest attending by name, date of birth and address when attending the VFW. In addition to the ID Scanner, the VFW must maintain a log of all guest, identifying the name and address of the guest, the guest's age and the name and address of the member who is allowing the guest to be allowed entry into the VFW. The log shall be available for the Police Department's review for up to six months after entry;
- b. Members of the VFW are responsible to make sure their guests identify themselves in the ID Scanner and a log, with the understanding that their shall be a limitation of five (5) guests per member, per attendance, at the VFW, and guests shall be limited to the age of 30;
- c. The Bar Chairman, Commander of the VFW and/or a Night Closing Manager or designated party, whose name and address will be provided to the Police Department, shall be responsible to make sure that the requirements of ID Scanning and log entry are complied with by all members and guests of the VFW Club;
- d. The VFW shall close during the weekdays by 10 pm and on Friday, Saturday and Sunday nights at by 11 pm, and the banquet hall for private parties shall be closed and all parties vacated by 12 midnight; whenever such banquet hall is utilized;
- e. The VFW shall allow the Police Department or designee to inspect the Attendance Log for information at the discretion of the Police Department on a periodic basis;
- f. Any disturbance caused by a member or guest shall result in the VFW banning that member or guest from any further attendance at the VFW O'Brien Major Post 2639;
- g. Name and addresses of individuals who have been banned from the VFW shall be maintained indefinitely;
- h. All ABC Regulations with regard to the distribution of alcohol, private parties and other conduct must be complied with, and there can be no outstanding ABC Violations at the time that the Club License is renewed or at any time during the time the license is in force;
- i. CCTV Surveillance Cameras shall be placed in at least two places in the parking lot of the VFW, and in every public room in the VFW Club, with signage of "CCTV Surveillance Cameras in Use" at all entrances from the parking lot and inside the club at the entrance, and in the bar area, and the placement of such cameras shall be approved by the Neptune Township Police Department;
- j. A professional security guard shall be hired for pay after appropriate review and background check and approval by the Neptune Township Police Department, to serve on premises every Friday and Saturday nights and during all private parties and gatherings allowed by the VFW;
- k. As part of the CCTV Surveillance Camera System the security guard shall have real time monitor capacity, and, when the security guard is not present, a member of management shall at all times have a real time monitor capacity in order to observe all areas of the building and parking lot through the surveillance cameras to make determinations at any time whether there is a disturbance or violation that needs to be reported to the Neptune Township Police Department;
- l. The VFW will hire a Lighting Engineer to examine the outside lighting and layout of the parking lot, and make recommendations for increasing lighting and improving layout; without being in violation of local ordinance or State Law, and the Lighting Engineer's recommendation shall be undertaken and implemented within 30 days of obtaining said recommendations. The Lighting Engineer and recommendations must be approved, and the recommendations implemented prior to any renewal of license authorized by this governing body;
- m. All employees and volunteers service alcoholic beverages of the VFW shall submit an application to the Neptune Township Police Department with their names,

addresses, date of birth and social security numbers, and after a criminal background check, must be approved for working at the VFW by the Neptune Township Police Department;

- n. All video surveillance coverage shall be maintained for review by the Neptune Township Police Department for a period of at least 6 months; and
- o. The VFW will be subject to a conditional special approval of all private parties at the VFW for use by outside groups in addition to the requirement of Special Affairs Permits, whereby all applications for the aforesaid parties shall be subject to the Neptune Township Police Department's review and approval based on the Police Department's approval of crowd control and security.

Mr. Bishop offered a motion, seconded by Mr. Williams, to accept the conditions as verbally described by Mr. Anthony. All were in favor.

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

Richard J. Cuttrel,  
Municipal Clerk