

SPECIAL COUNCIL MEETING

7:30 PM, TUESDAY, JUNE 21, 1994

The meeting was opened by Mayor Fasanello who read the following statement: "This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk, and forwarded to the Bound Brook Chronicle, the Courier-News, the Home News and the Star Ledger on June 16, 1994."

Roll Call: Present: Mayor Fasanello, C. Pres. Richardson, C. Pournaras, C. Nerger, C. Bruno, C. Jarus, C. Higginbottom,

Approval of vouchers - Motion: Richardson; Second: Higginbottom; Unanimous

A brief discussion of certain Workshop Agenda items followed while Mayor and Council waited for attorneys interested in the next agenda item to be present.

Discussion followed on the renewal of the liquor license for Stan's Chitch's Cafe which was prompted by a letter to Mayor and Council from Attorney Stanley F. Rizzolo:

Borough Attorney James O'Donohue - Explained that this is not a liquor license enforcement action. It has been traditional for Mayor and Council to invite anyone with complaints as well as tavern owners to address the Mayor and Council regarding liquor license renewals. This meeting is in response to a complaint from Mr. Rizzolo regarding the renewal of the liquor license for Stan's Chitch's Cafe. There are no pending charges in this matter.

Mr. Guss, attorney for Mr. Kurkowski who is the owner of Stan's Chitch's Cafe - Stated that he has not seen Mr. Rizzolo's letter. He is here at the request of his client after reading an article regarding this matter in the newspaper. This matter went to trial in Green Brook. Mr. Kurkowski was found not guilty. Mr. Cote was found guilty. A monetary fine and restitution was ordered. An appeal of the conviction was filed today in Somerset County Superior Court. His client maintains his innocence. The law allows him to use reasonable force to remove someone from his property. He answered various questions from council members.

Detective Lieutenant Tom D'Alessandro - Explained the police department's reporting procedure regarding tavern complaints.

Mr. Rizzolo, attorney for Mr. MacNair who is the complainant in this matter - Agrees with the policy that if a tavern owner calls the police this should not be held against him. That was not the case in this instance. He does not feel that the incident warrants a termination of the liquor license, but it does warrant the initiation of charges and the conduct of a hearing. The judge in the case heard testimony from an independent and unbiased couple who were witnesses to the incident. Their testimony was not even close to that of witnesses on behalf of the defendant. Asked that Mayor and Council at least find out what truly happened that night. He answered various questions from council members.

Jarus - Personally feels that this is an isolated incident. The reputation of this tavern has been mild compared to others in town. Hopes the owners have learned something from this incident. Believes that the current pending civil action is sufficient at this time.

Pournaras - Agrees with Jarus that this is an isolated instance. It is a civil matter.

Resolution 94-59 - Renewal of liquor licenses for 1994-95.  
Motion to remove from table by Higginbottom; second by Jarus; unanimous.

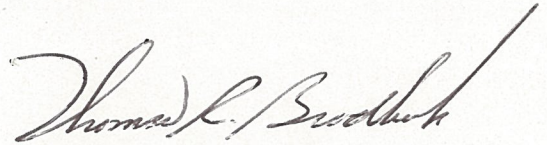
Motion to approve Resolution 94-59 by Pournaras; second by Bruno.

Nerger - Thinks this is a serious concern if tavern owners and employees are inebriated. Would like to see how things come out in Superior Court.

Roll Call - Aye: Richardson, Pournaras, Nerger, Bruno, Jarus, Higginbottom

Motion to adjourn by Pournaras; second by Higginbottom; unanimous.

Time: 8:50 PM



Thomas R. Brodbeck  
Borough Clerk-Administrator