

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 11-180

**A RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE FOR CHUBBYS WATERSIDE CAFÉ
INC., T/A FIXX FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012**

Mr. Murphy offered the following resolution and moved its adoption:

WHEREAS, Chubby's Waterside Café, Inc., t/a FIXX ("FIXX"), located at 26 West Front Street in the Borough of Red Bank (the "Borough"), is the owner of a Plenary Retail Consumption License No. 1340-33-0260-008 (the "License"); and

WHEREAS, in accordance with the applicable regulations of the Division of Alcoholic Beverage Control ("ABC"), FIXX made application to the Borough for renewal of the License for the period July 1, 2011 through June 30, 2012; and

WHEREAS, in accordance with N.J.A.C. 13:2-2.9, the Borough's Police Department conducted a thorough investigation of FIXX's application for renewal of its License and based on that investigation has recommended that FIXX's License be renewed subject to the imposition of certain special conditions; and

WHEREAS, pursuant to N.J.S.A. 33:1-40, the Borough, as the issuing authority, may regulate the conduct of any business licensed to sell alcoholic beverages at retail and the nature and condition of the premises upon which such business is conducted; and

WHEREAS, pursuant to N.J.S.A. 33:1-32, the Borough may, by resolution, subject to the approval of the Director of the ABC, impose any condition or conditions to the issuance of any license deemed necessary and proper to accomplish the objects of the Alcoholic Beverage Law; and

WHEREAS, the Borough has determined that is necessary and in the best interests of the Borough to impose certain conditions in connection with the renewal of FIXX's License; and

WHEREAS, FIXX, through its attorney Robert C. Williams, Esq. who appeared at the August 24, 2011 Council meeting at which this resolution was adopted, has consented to the terms and conditions of the renewal as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that FIXX's License for the period July 1, 2011 through June 30, 2012 is hereby renewed subject to the following conditions:

1. No audio or live music after 1:30 am.
2. All windows and doors are to be closed when music is playing.
3. Six security staff will be on duty Thursday, Friday and Saturday nights, with at least two assigned to the front door. One of the six will be a security supervisor. At all other times a ratio of one security officer to 75 patrons will be in effect.
4. A minimum of two security staff members will be stationed outside of property from 1:30 am to the point at which the crowd has dispersed to ensure that patrons leave area in an a safe and orderly manner.
5. All floor security staff will be distinctively and uniformly attired, making them very easily identifiable to both patrons and police.

6. Identifying information on ejected and/or arrested patrons will be retained on a "banned list". These patrons should not be allowed subsequent re-entry.
7. Posting of a professional looking sign containing patron code of conduct rules inside the establishment near the entrance.
8. Staff will immediately report all criminal activity to police as it occurs or is about to occur.
9. Notify the Chief of Police of special events, appearances and promotions within 72 hours of the event.
10. Meet on a monthly basis with Chief of Police or his designee to review incidents at location, policies and procedures.
11. All flyers, handbills, cups and debris etc. should be cleaned from in front of the premises throughout the night.
12. Designate specific employees to conduct occupancy counts throughout the night.
13. FIXX waives and relinquishes its right to appeal the imposition of the above conditions.
14. FIXX consents to and the Borough shall retain jurisdiction over the renewal of FIXX's license for a period of ninety (90) days from the adoption of this resolution to allow the Borough to review and monitor FIXX's operations, including its compliance with the conditions set forth herein.

BE IT FURTHER RESOLVED that the within resolution be submitted to the Director of the ABC for approval pursuant to *N.J.S.A. 33:1-32*; and

BE IT FURTHER RESOLVED that renewal of FIXX's License and the conditions for renewal set forth herein shall not become effective until all required approvals are obtained from the Director of the ABC.

Seconded by Ms. Lee and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	()	()	()	(x)
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	()	()	()	(x)
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: August 24, 2011

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on August 24, 2011

Pamela Borghi, Municipal Clerk