

RESOLUTION NO. 2020-124

RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-32-006-012 DCJ BELMAR INC., HELD IN POCKET/INACTIVE TO 1000 MAIN STREET LIQUOR LICENSE LLC FOR THE PERIOD ENDING JUNE 30, 2020

WHEREAS, application has been made for a person-to-person transfer and place to place transfer of DCJ Belmar Inc. for Plenary Retail Consumption License No. 1306-32-006-012 to 1000 Main Liquor License LLC D/B/A Flames Brazilian Steakhouse; and

WHEREAS, said application is accompanied with the appropriate fees.

WHEREAS, the Borough Council finds the following:

1. The application form received March 6, 2020 is complete.
2. The applicant is qualified to be licensed according to all standards established by statute, rules and regulations.
3. The applicant has disclosed the source of all financing obtained in connection with the licensed premises.
4. The Police Department has completed their investigation.
5. The licensed premises is located at 1000 Main Street.
6. Seasonal license 1306-34-011-011 currently held by 1000 Main Street Liquor License LLC will become in active and held in pocket.
7. The following conditions shall be placed on the license:
 - a) Service and sale of alcoholic beverages is to be permitted only in the licensed areas as described above.
 - b) No alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limit established herein or by the Fire Official, whichever is less.
 - c) That the licensees provide the Chief of the Belmar Police Department, in writing, with the names and addresses of all employees.
 - d) The following employees are required to obtain and maintain an Alcoholic Beverage Control Card, issued by the Belmar Police Department. Employees involved in the handling, sale, and/or service of alcoholic beverages, shall include, but not limited to managers, and/or supervisors, servers, cashiers, bartenders, barbacks, bouncers, and security guards. This identification card is required to be updated annually with the police department. Employees must register within 24 hours of new employment with the Belmar Police Department in order to start the process of obtaining an ABC card to work in the establishment.
 - e) Occupancy is limited to 232 seated inside which includes table/ chairs and standing room. These numbers are submitted as preliminary occupancy load, as the operators of Flames Brazilian Steakhouse will be providing a signed and sealed egress plan conducted by a design professional.
 - f) Live music in the inside bar/dining area will be permitted provided that it shall be limited to 3 pieces (without heavy percussion) and DJ's (with amplification) and shall conclude no later than 10:00pm. After 10:00 pm the change in the type of music

played will be a calmer, “mellow” type of music that will cease at 10:00pm during the week and 1:00am on the weekend.

- g) The outdoor dining area shall be closed by 10:00pm on weeknights, being Monday through Thursday; and, by 11:00 p.m. on weekends, being Friday through Sunday. If Monday is the holiday, such as Memorial Day weekend or Labor Day weekend, the hours of operation will extend to 11:00pm. Any patron served alcohol in the outdoor dining area must be seated and dining. No bar of any type is permitted in the outdoor dining area. The outdoor dining area may not be used as a smoking area at any time.
- h) All sales of alcoholic beverages in the restaurant and at the bar shall cease pursuant to their hours of operation.
- i) Private parties will adhere to the hours of operation of the restaurant. There will be no exception to the closing time for private parties or special events.
- j) CCTV cameras will be installed on the property, which will include both entrances/exits, exterior dining area, administrative areas, bar areas, interior dining area, liquor storage area and points throughout the perimeter. An alarm activation system is necessary for all office, liquor storage areas, and refrigerated areas. Video must be maintained for 30 days and available upon request from the Belmar Police Department.
- k) Theme nights or any other special event function must be submitted in writing and approved by Mayor and Council.
- l) The License shall reimburse the Borough of Belmar for the cost of additional police patrol hours in the affected areas that are made necessary because of the operation of the Licensee. The determination of need for extra police patrol hours shall be in the sole discretion of the Police Chief and the cost shall be based on the hourly rate of the cost of the patrol.
- m) Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in ServSafe program as well as have knowledge of the local ordinances. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, they will be immediately asked to leave. If a patron refuses, management will notify the Borough of Belmar Police Department.
- n) Intoxicated Patrons: All personnel may not sell, dispense, or give away alcohol to any person who is deemed intoxicated. When a customer has been “cut- off”, the server will notify the other employees. Management will support the server’s decision to terminate service to any customer. The customer will be asked to leave and management will secure a sober driver or provide a taxi service to take the patron home. If the customer refuses, management will notify the Belmar Police Department with a description of the person and the license plate number of the vehicle, if possible.
- o) False IDs: All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating to identification in order to verify the information. If the employee checking an ID has a suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police.
- p) Control/Supervision of Patron under 21 (restaurant applications) Licensee will request proof of age from any customer who appears to be under the legal age and will refuse service to any customer who cannot produce adequate ID.

- q) Circumstances under which the Police will be called: The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or about to be committed and/or whenever a threat of or act of violence occurs in the premises or off the premises in areas that would be considered in view or earshot of the establishment.
- r) Handling of Physical Disturbances, including fights: Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.
- s) It is the requirement that all wait staff, bartenders, and personnel involved with the sale or service of alcohol undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee and available upon request.
- t) The licensee shall ensure that all employees who are involved with the sale and/or service of alcohol or who are involved with checking identification and/or handling of intoxicated and/or unruly patrons or who are involved in security; i.e. floor men, waitresses and bartenders have undergone Techniques in Alcohol Management (TAM) provided through the NJ Beverage Licenses Association. Certification of the employee's attendance will be provided to the Belmar Police Department, upon request. This training is to be completed within 30 days of the date of employment at the establishment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the person-to-person transfer be approved for the period of July 1, 2019 to June 30, 2020 both dates inclusive.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to deliver a copy of this resolution to the applicant and the Local Alcoholic Beverage Control Board.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				

Adopted: