

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

SPECIAL MEETING MINUTES - MONDAY, FEBRUARY 12, 2018 - 6:30 P.M.

The Mayor and Council of the Borough of Closter held a Special Meeting on Monday, February 12, 2018. Mayor Glidden called the meeting to order at 6:30 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Glidden invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

48 Hour Notice of this Special Meeting was sent to The Record and Star Ledger on February 8, 2018 for publication as soon as possible, was posted on their respective Community Notices boards upon receipt; will be published in the Star Ledger on February 10, 2018 and in the Bergen Record on February 12, 2018, is posted on the Municipal Clerk's bulletin board and on the Borough Web Site and will remain posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor John C. Glidden, Jr.
Councilpersons Scott M. Devlin, Alissa Latner, Dolores A. Witko, Joseph Yammarino,
Jannie Chung and Victoria Amitai
Borough Administrator, Arthur Braun Dolson
Borough Attorney, Edward T. Rogan
Deputy Borough Clerk, Arlene Marie Gray

The following persons were not present:

Borough Clerk, Loretta Castano

At this time Mayor Glidden informed the Borough Attorney had some issues we want to clear up before voting on the Resolution. Borough Attorney explained the issues pertained to the Application and were minor; therefore, would not in any way affect the Council's vote tonight. After the Borough Clerk's review of the checklist, some items required correction; and Mr. Skene, the Applicant's attorney, who was present this evening, had already provided the answer to some of the questions. There are a couple of outstanding issues that will need to be addressed in the next couple of days.

Robert Skene, Skene Law Firm, noted he had been made aware of the issues and would see that his client addressed them this week; and he guaranteed that they will. He expressed their appreciation for everyone coming out tonight and they understand what an inconvenience it was to do so. His clients would do whatever they need to in order to finish this up.

Borough Attorney said for edification and knowledge of the Council, he had a conference call with Mr. Skene and J. Wesley Geiselman from the Division of Alcoholic Beverage Control due to the international nature and complexity of the application; and he was asked by Mr. Geiselman to relate to the full Governing Body his praise of Officer Foley, who performed the investigation. Mr. Rogan voiced his understanding that all three of them understood the complexity of the application, including Mr. Skene, who almost exclusively does liquor licenses; and he wanted to relay that the ABC was appreciative of Officer Foley's efforts. Mr. Skene affirmed same and said Officer Foley did a commendable job. Councilwoman Latner asked if this had been relayed to Chief Kaine and Mr. Rogan said it had. Additionally, he would be writing a formal letter to the Chief with a cc to the Mayor and Council regarding same.

Mr. Rogan reiterated that some of the items to be addressed are minor in nature and some have been responded to this evening. He said at this time there will be no outdoor service of alcohol for these purposes but they could apply for same in the future. There was some confusion in reviewing the floorplans over whether there would be one or two floors; and there has been representation that there is only one floor. On the initial application, probably due to timing and practicality, the telephone number provided was for the Skene Law Firm and that number has been supplemented with the updated phone number for the theater. Other outstanding items will be complied with, including the question of whether there was any corporate ownership in a liquor license for a theater in Miami, Florida. Otherwise the Police Department has signed off on the application as has the Auditor, who reviewed the financials as requested and provided.

At this time, Mayor Glidden read the following Resolution into the record:

4. RESOLUTION APPROVING THE PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-008 FROM PIERMONT ROAD LIQUORS (INACTIVE/POCKET) TO CINEMEX NJ, LLC, D/B/A/ CMX, FOR PREMISES LOCATED AT 130 VERVALEN STREET (Received from Borough Attorney 2/9/18)

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Mayor Glidden asked if anyone had any questions or comments.

Councilwoman Amitai questioned who Piermont Road Liquor, LLC is and Borough Attorney explained it is the purchaser of the Ondine's license. He explained the property and license were sold several years ago and as the license was not used it was pocketed. Ray Losito sold the license to a company set up by Mr. LoConte who is now selling the license to Cinemex NJ, LLC; it is no longer the Losito family. He affirmed until the issues with the application are cleared up, there will be no alcohol service at all; and there will be no alcohol service outside once the license is transferred as it was not clear from a question in the application as to whether any adjacent grounds would be covered in the license. Cinemex reserves the right to supplement that at a later date.

Mr. Skene introduced the General Manager who could answer any questions as he would be the on-site contact point.

Jonathan Ziabari introduced himself as the Manager of the theater; and in answer to Councilwoman Amitai, he said that all five (5) theaters are currently operational.

Councilwoman Chung asked if they had any other theaters in this area and Mr. Ziabari said not right now and not in New Jersey, but they are looking to expand to the New York area. Mr. Skene noted the client chose this location to expand in the United States even before looking in New York. In answer to Mrs. Chung, Mr. Ziabari said yes there is a regular bar for non-movie patrons as long as they remain inside the premises.

Motion approving Item No. 4 was made by Councilwoman Latner, seconded by Councilwoman Witko and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Devlin, Latner, Witko, Yammarino, Chung and Amitai.

5. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per By-Laws General Rule No.11)

Mayor Glidden opened the meeting to the public. No one wished to be heard.

6. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

At this time, Borough Attorney referred to Village School and informed the property owner is moving forward with the asbestos removal and has requested the Borough waive the local permit fees inasmuch as they are performing this on behalf of the Borough. The Building Department informed there is one a \$1.00 State fee and there are \$6,000 in local fees. There has been representation that if the fees are waived, they will pull the permits as early as tomorrow or Wednesday and begin the work. Mr. Rogan noted this is not in the contract although it was discussed in fairness to the applicant during the contracting process during the purchase of the school. There was an agreement that the taxes would be paid up until the day the contract was signed and then the Borough would forgive the taxes from that day going forward because originally we were buying it "as-is" and we were going to do the asbestos removal and partial demolition. For economic and various other reasons the Borough opted to have the seller do that before turning it over to the Borough and it is a requirement of the Bergen County Housing Authority. No objections were voiced to same and Borough Attorney advised he would have a Resolution for Wednesday night's meeting memorializing this discussion.

7. ADJOURNMENT

Motion to adjourn the Special Meeting at 6:43 p.m. was made by Councilwoman Amitai, seconded by Councilwoman Latner and declared unanimously carried by Mayor Glidden.

Provided to the Mayor and Council on
February 15, 2018 for approval at the
Regular Meeting to be held
February 28, 2018

Arlene Marie Gray, RMC
Deputy Borough Clerk

Prepared by Arlene Marie Gray, RMC
utilizing recording and
Deputy Borough Clerk's
notes

Approved at the Regular Meeting held February 28, 2018
Consent Agenda Item No. 11a

**BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
RESOLUTION AUTHORIZING PERSON-TO-PERSON AND
PLACE-TO-PLACE TRANSFER OF PLENARY (INACTIVE/POCKET) RETAIL
CONSUMPTION LICENSE NO. 0207-33-006-008**

WHEREAS, an application has been filed on behalf of Cinemex NJ, LLC for a person-to-person AND place-to-place transfer of Plenary Retail Consumption License No. 0207-33-006-008 heretofore issued to Piermont Road Liquor, LLC (inactive/pocket); and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the necessary inspections and approvals have been received from Borough Officials, and the Construction Official has notified the Borough Clerk that a Certificate of Occupancy has been issued for the premises located at 130 Vervalen Street; and

WHEREAS, the applicant has published the required statutory and administrative notices; and

WHEREAS, more than 14 days have passed since the second notice was published; and

WHEREAS, pursuant to N.J.A.C. Section 13:2-7.6, the Mayor and Council have found good cause to exercise its discretion to conduct the hearing date later than said 14 days.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Closter does hereby approve the transfer of the aforesaid Plenary Retail Consumption License from Piermont Road Liquor, LLC to Cinemex NJ, LLC and from its former inactive/pocket status to the premises located at 130 Vervalen Street; and

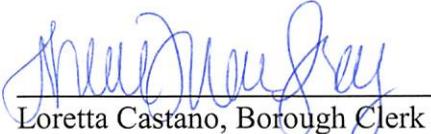
BE IT FURTHER RESOLVED and that the Mayor and Council of the Borough of Closter does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all its terms and conditions, is hereby transferred to Cinemex NJ, LLC, d/b/a CMX for premises located at 130 Vervalen Street ".

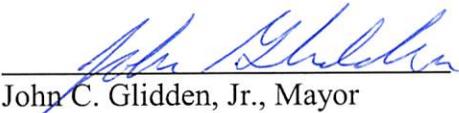
Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Devlin			X			
Councilwoman Latner	X		X			
Councilwoman Witko		X	X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: February 12, 2018

ATTEST:

APPROVED:


Loretta Castano, Borough Clerk
Arlene Marie Gray, Deputy Borough Clerk


John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held February 12, 2018.

Loretta Castano, Borough Clerk
Arlene Marie Gray, Deputy Borough Clerk