

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL SPECIAL MEETING
JULY 12, 2016**

A Special Meeting of the Mayor and Council was held on July 12, 2016 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:00 pm.

Mayor Colleen Mahr presided and stated: I hereby announce and request that such be included in the minutes of this meeting that notice of the time, place and date of the meeting has been prominently posted on the bulletin board at the Borough Hall, mailed to The Times, the Star Ledger, the Courier News, PATCH and Alternative Press, filed with the Borough Clerk and mailed to any person requesting the same in accordance with the requirements of the Open Public Meetings Act.

Present: Kevin Boris, Russell Huegel, Tom Kranz, Katherine Mitchell
Erin McElroy Barker and Kevin Boris arrived later

Absent: Jack Molenaar

Also Present: Colleen Mahr, Eleanor McGovern, Dan McCarthy

Mayor Mahr stated that this Special Meeting was being held to hold a public hearing on liquor license 2005 33 004 009 due to an objection to the transfer by Brian Walter.

EXECUTIVE SESSION

Kranz/Mitchell moved to move the meeting into executive session to discuss a litigation matter. Motion carried.

Mitchell/Kranz moved to return to the normal order of business. Motion carried.

OLD BUSINESS

Huegel/Boris moved to open the public hearing on the transfer of Liquor License No. 2005 33 004 009. Motion carried.

Thomas Russo, Esq., Brian Walter's Attorney, stated that Mr. Walter objects to the License transfer. He also stated that Sean Flannery made misrepresentations of his license applications; Brian Walter is rescinding his approval of the transfer; and questioned if Chabad, being located within 200 feet of the bar violates ABC law.

Frank McIntyre, Esq., Sean Flannery's Attorney, stated that at trial, the Judge disbanded the business with Flannery getting the license and Walter getting compensated. No one from Chabad was present to object to the transfer.

Dan McCarthy, Borough Attorney, stated that the transfer license application was investigated by the Fanwood Police Department according to ABC regulations and found to be in order.

Boris/Kranz moved to close the public hearing. Motion carried.

Resolution 16-06-84

Huegel/Kranz moved to adopt Resolution 16-06-84. Motion carried on the following roll call vote.

WHEREAS, an application has been filed for a Person to Person and Place to Place Transfer of Plenary

Retail Consumption License Number 2005 33 004 009, heretofore issued to Wanchie, LLC for premises located at 200 South Avenue, Fanwood, New Jersey, 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 applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fanwood Governing Body does hereby approve, effective June 20, 2016, the transfer of the aforesaid Plenary Retail Consumption License to Sheelen's Crossing, LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Sheelen's Crossing, LLC, effective July 12, 2016."

FOR: Huegel, Kranz, Boris, McElroy-Barker, Mitchell
AGAINST: None
ABSTAINED: None
ABSENT: Jack Molenaar

MEETING OPEN TO THE PUBLIC

Mitchell/Kranz moved to open the meeting to the public. Motion carried.
No one spoke.
Mitchell/Kranz moved to close the meeting to the public. Motion carried.

ADJOURNMENT

Kranz/Mitchell moved to adjourn at 7:45 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk