

September 30, 2020

A Special Meeting of the Manasquan Mayor and Council was held on September 30 at 6:01 p.m., by zoom virtual meeting with Mayor Edward Donovan presiding.

Mayor Donovan related that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press and posted to the official website of the borough.

ROLL CALL: Present: Council Members Jason Bryant, Jeffrey Lee, Michael Mangan, Gregg Olivera, Richard Read, and James Walsh

Absent: None

Also present was Borough Attorney Mark Kitrick and Deputy Borough Administrator Amy Spera.

VFW Liquor License Renewal - Hearing

The Borough Attorney read the following resolution.

RESOLUTION 214-2020

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey by Veterans of Foreign Wars Post 1838 t/a Manasquan VFW Post 1838 for the issuance of a Club License No. 1327-31-016-001 to cover premises at 30 Ridge Avenue in the Borough of Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Club Licenses to be issued by it:

1. The submitted application is complete in all respects including submission of the Club Member list.
2. The officers and directors of the Club are qualified according to statutory, regulatory and local governmental A. B. C. Laws and Regulations.
3. The Club maintains all records required by N.J.A.C. 13:2-8.8 and N.J.A.C. 13:2-8.12; and

WHEREAS, the Manasquan VFW Post 1838 is adjudged to be entitled to a Club License;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the Borough Clerk is hereby designated, authorized and instructed to execute the aforesaid Club License to the Manasquan VFW Post 1838. This license is in effect until midnight, June 30, 2021, subject, however, to the following condition:

1. At any time the licensed premises offers indoor live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.
2. The licensee agrees to obtain professional training for its bartenders and managers to identify and properly control patrons who appear inebriated; the licensee shall provide the Borough with proof of completion of that training for these employees/volunteers.
3. The licensee will "police" for litter, etc., the perimeter of the VFW Post property and the neighboring vicinity before 8:00 am on weekends and during the week when warranted.
4. The premises will not open for business/service before 1 pm.
5. From May 15 to October 15 the following conditions apply:
 - a. Sunday through Thursday the outside area may be open from 1 pm to 8 pm.
 - b. Sunday through Thursday outside music shall end at 8 pm.
 - c. Friday and Saturday the outside area may be open from 1 pm to 9 pm.
 - d. Friday and Saturday outside music shall end at 9 pm.
6. From October 16 through May 14 the following conditions apply:
 - a. There shall be no outdoor music.
 - b. The outside area may open, weather permitting, with the same hours as stated in #5 above.
7. The licensee will be limited to hosting 8 advertised, outdoor events during the year.

September 30, 2020

Council Member Walsh made a motion to open the hearing to the public, seconded by Council Member Bryant. Motion carried unanimously.

Mayor Donovan updated the audience and council with what has transpired since the last meeting. He stated that violation have been cited at the property for zoning issues and notices have been issued for noncompliance and there could be fines associated with the violations.

Mr. Kitrick read the resolution as it appears on the agenda for approval. He stated that in addition to the violations that the Mayor reflected an inspection was completed by the borough zoning officer which lead to a violation for erecting the outside bar area without approval and permits. He stated that the VFW has the option of removing the bar area or submitting an application to the planning board for variance relief. He also stated that they would need to comply with the notice on or before October 2, 2020 or it will result in a summons being issued. He advised that the ABC was aware of the discussions that have taken place. He stated that the zoning issues are a different jurisdiction than the renewal of the liquor license. He advised that an application for a variance to the planning board would be noticed to an area of 200' of the facility.

Stephanie Brown, 14 Ridge Avenue voiced her concerns about the VFW being in a residential area and the affect it has on the neighborhood. She also voiced her concerns on the conditions put on the liquor license. She voiced her concerns and opinion on how the VFW is treated by the borough and the police department. She stated that she has provided information to the ABC and the Prosecutors office for an investigation of the VFW.

Gregory Crane, Esq., counsel for VFW with an office in Mantoloking, New Jersey stated that there seems to be an agenda here by using broad and vague terms that which are prejudicial to his client without any other evidence and he will acknowledge that this governing body is required to consider creditable evidence which he has not heard from last meeting or this meeting. He stated that there is a fine line between good faith negotiations and simply trying to pursue ones agenda. He voiced his concerns on the assertions about ethical issues related to his counsel of the Post and he went over how and when he became counsel to the Post. He stated that he agrees with Mr. Kitrick's assessment that planning or zoning board issues are not the proper format nor is the parking a proper format to be heard and he does not believe that parking is an ABC violation. He stated that there has been some inflammatory statements made against his client.

Shaun Brown, 14 Ridge Avenue he voiced his opinion on the outside bar area and the recent code investigation of the VFW and the violations and fines. He also voiced his concerns and opinion on the renewal of the liquor license. He also voiced his opinion and concerns regarding COVID 19 and the lack of compliance by the VFW in August. He stated that he strongly encourages a no vote tonight to perverse the character, safety, and quality of life of the residential neighborhood.

Bud Atno, 402 Euclid Avenue stated that he is a long time member of the VFW Post 1838 and that the post has been at its current location for about 90 years. He went over his military career and stated that the VFW is a great benefit to him and his fellow veterans. He stated that he is aware of the allegations that were made by the 2 residents of Ridge Avenue and he respectfully disagrees with those allegations. He stated that spends a lot of time at the post and he has not witnessed the allegations that have been brought up and that no one at the Post supports drunk driving. He stated that he encourages the council to renew the liquor license.

Dana Woolley, 41 Ridge Avenue stated that this is not us against the veterans and her concerns are the differences that have taken place over the years at the Post. She stated that she does not believe that it is the veterans that are the problem but the outside patrons coming in. She stated that she just wants the neighborhood back to the way it was.

Gregory Crane, Esq., counsel for VFW stated that he vehemently opposes the broad assertions that are being made against the VFW and stated that the assertions being made do not fall under the ABC regulations.

Tom Crawley, Sr. Vice Commander of the Post went over his service in the military and stated the VFW exists to further the interests of veterans which include improving mental health care benefits to educational opportunities and interacting with current and former active duty service members. He stated at the local level the VFW participates in many civic minded endeavors. He went over the number of members and the history of the Post. He also went over the complaints over the past few years which was about 2 or 3 which were taken care.

September 30, 2020

Dana Woolley, 41 Ridge Avenue thanked Mr. Crawley for his service and stated that this is not about the veterans and the situation has gotten out of control over the past year. She voiced her concern over the drinking and driving which she thinks is the worst.

Stephanie Brown, 14 Ridge Avenue reiterated her concerns about the complaints over the last few years.

Mr. Kitrick went over the process that takes place with this hearing and advised that both of the Browns as well as other participants have had a chance to speak.

Mayor Donovan stated that everyone will have 2 chances to speak.

Andrea Atno, 402 Euclid Avenue stated that she sent a letter to the Coast Star which will be published tomorrow. She read the letter that she sent to the Coast Star.

Shaun Brown, 14 Ridge Avenue advised how he reached out to the VFW. He voiced his opinion on how meetings should have taken place between the VFW, borough hall, and the neighborhood residents. He reiterated his concerns about the VFW.

After some clarification of the process for this hearing by Mr. Kitrick, he advised that Mr. Crane should have the ability to respond on behalf of his clients to the allegations against them.

Gregory Crane, Esq. counsel for VFW stated that he would like to make a final statement but would wait until everyone else has had a chance to speak.

Tom Crawley, Sr. Vice Commander of VFW, 30 Ridge Avenue stated that he took exception to the number of opportunities to speak when it appeared that the plaintiffs have been in front of the council multiple times and they have spoken 2, 3 or 4 times at each meeting and he defers to his counsel.

Mayor Donovan stated that Ms. Woolley and Shaun Brown will have one more time to speak if they have something new to say and then Mr. Crane will be the last to speak.

Shaun Brown, 14 Ridge Avenue voiced his concern on how the hearing is being handled by the council.

Dana Woolley, 41 Ridge Avenue voiced her concerns about living next to a bar and that is not what they bought next to years ago.

Gregory Crane, Esq. counsel for VFW stated that there has been no new information submitted tonight and that it is the same information that has been brought up before and are broad and vague statements asserting that there is illegal activity occurring. He voiced his opinion on this matter and believes that there has been no violation of the ABC regulations. He stated again that this is not considered credible evidence and he would urge the council to consider the facts that were heard. He urged the council to vote yes and proceed with the renewal of the license.

Mr. Kitrick wants to make sure that the record is clear that this is a hearing and he went over the process. He went over the legal obligations of the council and advised that either party can appeal the decision that is made. He went over the code/zoning violations.

Council Member Lee made a motion to close the public hearing, seconded by Council Member Read. Motion carried unanimously.

Council Member Lee made a motion to approve this resolution, seconded by Council Member Read. Motion carried by the following vote: "yes" Council Members Bryant, Lee, Mangan, Read and Walsh. "No" none. Council Member Olivera recused himself from the vote.

Audience Participation on any subject

Council Member Mangan made a motion to open the meeting to the audience, seconded by Council Member Lee. Motion carried unanimously.

Barbara Ilaria, Municipal Clerk stated that this audience participation was not supposed to be on the agenda as this was a hearing for the VFW Liquor License renewal only.

September 30, 2020

Mark Apostolou, 15 Cherry Place asked that the council recognize the passing of Mrs. Bossone and send his condolences to her family.

Mayor Donovan would like to send condolences to the Bossone Family as well as the Summers family who both lost a loved one recently.

Council Member Olivera made a motion to close the special meeting at 7:17 p.m. seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria, Municipal Clerk

DATE APPROVED 11/14/2020