

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**UNION BEACH SOCIAL RESTAURANT,
LLC, ET AL.,**
Plaintiff

V.

SUMMONS IN A CIVIL CASE

**BOROUGH OF UNION BEACH/UNION
BEACH POLICE DEPARTMENT, ET AL.,**
Defendant

CASE
NUMBER: 3:17-CV-06856-FLW-DEA

TO: *(Name and address of Defendant):*

**Borough of Union Beach/Union Beach Police Department
650 Poole Avenue
Union Beach, NJ 07735**

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**Alan L. Frank, Esquire
Alan L. Frank Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

KIM STILLMAN

(By) DEPUTY CLERK



ISSUED ON 2017-09-07 15:36:59, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(!)	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
☐ Served personally upon the defendant. Place where served: _____ _____ ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. ☐ Name of person with whom the summons and complaint were left: _____ ☐ Returned unexecuted: _____ _____ _____ ☐ Other (specify) : _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on _____ Date _____ <i>Signature of Server</i> _____ <i>Address of Server</i>		

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Union Beach Social Restaurant,
LLC t/a U.B. Social, et al.

Civil Action No. 3:17-cv-06856

v.

Borough of Union Beach/Union
Beach Police Department, et al.

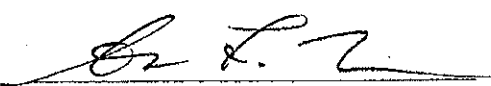
DISCLOSURE STATEMENT

Union Beach Social Restaurant, LLC
The undersigned counsel for t/a U.B. Social
certifies that this party is a non-governmental corporate party and that:

- ☐ This party's parent corporation, and all publicly held corporations owning 10% or more of this party's stock, are listed here:

OR

- ☒ This party does not have a parent corporation, nor is there any publicly held corporation that owns 10% or more of this party's stock.


Signature of Attorney

Alan L. Frank
Print Name

9/7/17
Date

Alan L. Frank Law Associates, P.C.
Name of Firm

135 Old York Road
Address

Jenkintown, PA 19046
City/State/ZIP Code

Instructions:

1. Disclosure Statement is to be filed as a separate document.
2. Select Case Type (Civil) from the menu bar at the top of the ECF screen.
3. Click on Other Documents.
4. Select Corporate Disclosure Statement.
5. Enter the case for which the Disclosure Statement is being filed.
6. Select the PDF document to file.
7. Select the party filing the Disclosure Statement.
8. If applicable, insert the name of the Corporate Parent or leave blank.
9. Proofread the docket text.
10. Submit the Disclosure Statement by clicking the NEXT button.

DNJ-CMECF-005 (5/2/08)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(TRENTON)**

UNION BEACH SOCIAL RESTAURANT, LLC
t/a U.B. SOCIAL
910 Union Avenue
Union Beach, NJ 07735

and

THOMAS AND GINA PLINIO
163 Sand Road
Fairfield NJ 07004

Plaintiffs,

vs.

BOROUGH OF UNION BEACH/
UNION BEACH POLICE DEPARTMENT
650 Poole Avenue
Union Beach, NJ 07735

and

MAYOR PAUL J. SMITH
Individually and in his capacity as the
Mayor of the Borough of Union Beach
650 Poole Avenue
Union Beach, NJ 07735

and

POLICE CHIEF CHARLES ERVIN
Individually and in his capacity as acting
Police Chief for the Union Beach Police Department:
650 Poole Avenue
Union Beach, NJ 07735

Defendants

CIVIL ACTION

NO. 3:17-cv-06856

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas Plinio and Gina Plinio, by and through their undersigned counsel, Alan L. Frank Law Associates, P.C., herein file their Complaint against Defendants the Borough of Union Beach/the Union Beach Police

Department, Mayor Paul J. Smith, individually and in his capacity as the Mayor of the Borough of Union Beach, Police Chief Charles Ervin, individually and in his capacity as the Police Chief for the Borough of Union beach Police Department, and in support thereof avers as follows:

INTRODUCTION

1. Plaintiffs Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas Plinio and Gina Plinio (collectively the "Plaintiffs") bring this action against Defendants the Borough of Union Beach/the Union Beach Police Department, Mayor Paul J. Smith, individually and in his capacity as the Mayor of the Borough of Union Beach, Police Chief Charles Ervin, individually and in his capacity as the Police Chief for the Union Beach Police Department (collectively referred to hereinafter as "Defendants") for damages, compensatory, equitable and punitive in nature, to redress the violations of 42 U.S.C. § 1983, the Fourth, and Fourteenth Amendments of the United States Constitution, violations of the New Jersey Civil Rights Act, malicious prosecution/malicious abuse of process, defamation/commercial disparagement, negligent training/supervision of police officers, tortious interference with economic advantage and infliction of emotional distress arising from and relating to the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin and Mayor Smith's campaign of repeated and systematic harassment of U.B. Social, its owners, employees, customers and patrons.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §1983. The United States District Court for the District of New Jersey may properly maintain original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §1331 and 1343 because it arises under the laws of the United States and seeks redress for violations of civil rights. The Court may also maintain

supplemental jurisdiction over Plaintiffs' state law claims as they are sufficiently related to the claims within the Court's original jurisdiction and form part of the same case or controversy.

3. Venue for this action is properly laid in this district pursuant to 28 U.S.C. § 1391 (b)(1) and (b)(2), as all of the Defendants reside in and/or conduct business in this judicial district and because the acts and/or omissions giving rise to Plaintiffs' claims all occurred in this judicial district.

THE PARTIES

4. Plaintiffs Thomas and Gina Plinio are adult individuals, are husband and wife, and are the owners and sole members of Plaintiff Union Beach Social Restaurant, LLC t/a U.B. Social, who reside at 163 Sand Road, Fairfield NJ 07004.

5. Plaintiff Union Beach Social Restaurant, LLC t/a U.B. Social is a New Jersey limited liability company which was doing business at 910 Union Avenue, Union Beach NJ 07735.

6. Defendant the Borough of Union Beach, which maintains its principal place of business at 650 Poole Avenue, Union Beach, New Jersey, is a municipal entity organized under the laws of the state of New Jersey. At all times relevant herein, it is and was responsible for the policies, procedures, and practices implemented through its various agencies, agents, departments, and employees, and for injury occasioned thereby. It was also the public employer of Defendants Mayor Paul J. Smith, and Police Chief Charles Ervin. The Union Beach Police Department is an entity owned, operated, managed or otherwise controlled by Defendant the Borough of Union Beach, through which policies, customs, practices, hiring, training, discipline and manner of general operation are determined, and for which the individual Defendant Police Chief Charles

Ervin worked and was working at the time of the incidents complained of in this Complaint.

7. Defendant Paul J. Smith ("Mayor Smith") is the Mayor of the Borough of Union Beach and, as such, is responsible for the promulgation and implementation of the policies, customs, hiring, training, discipline and manner of general operation of Defendant Borough of Union Beach and Defendant the Union Beach Police Department. Said Defendant is being sued in both his individual and official capacity.

8. Defendant Police Chief Charles Ervin ("Chief Ervin"), was at all time relevant hereto, the acting chief of the Union Beach Police Department for the Defendant Borough of Union Beach, and, as such, was responsible for the promulgation and implementation of police policies, procedures, practices, customs, hiring, training, discipline and manner of general operation of the Union Beach Police Department, at all relevant times hereto. Said Defendant is being sued in both his individual and official capacity

9. At all times material to this Complaint, Defendants acted toward Plaintiffs under color of the constitutions, laws, statutes, charters, ordinances, rules, regulations, customs, and usage of the United States, the State of New Jersey, the Borough of Union beach, and the Union Beach Police Department.

10. At all times material to this Complaint, the Defendants acted either solely or through agents, servants, and/or employees, acting within the scope of their employment.

11. At all times material to this Complaint, each Defendant had the duty and opportunity to protect Plaintiffs from the unlawful actions of the other Defendants, but each failed and refused to perform such duty thereby proximately causing Plaintiffs' injuries and damages.

12. At all times material to this Complaint, Defendants acted either separately, in concert, or in agreement with each other to deprive Plaintiffs of their constitutional and civil rights.

FACTUAL BACKGROUND

13. By way of background, 910 Union Avenue, Union Beach New Jersey (hereinafter "910 Union Avenue") has been operated as a bar for approximately the last 70 years.

14. In September of 2015, Thomas and Gina Plinio (hereinafter the "Plinios") executed a ten (10) year lease for 910 Union Avenue, Union Beach New Jersey and Union Beach Social Restaurant, LLC t/a U.B. Social (hereinafter "UB Social") purchased the liquor license associated therewith.

15. From September 2015 through November 2015 Plaintiffs UB Social and the Plinios made significant and costly improvements to 910 Union Avenue.

16. In November 2015, once the improvements and renovations were complete, UB Social opened as a Bar/Restaurant.

17. Immediately upon opening, UB Social was busy and successful, and at all times it cooperated with law enforcement and was supportive of the police's legitimate efforts.

18. In or around April 2016, Sergeant Woodrow of the Union Beach Police Department came into UB Social and asked the bartender to have Thomas Plinio call him for a meeting.

19. Thomas Plinio called Sergeant Woodrow as requested, and a meeting was scheduled and held shortly thereafter in April 2016 with Thomas Plinio, the General Manager of UB Social, Kristi Reinters, Sergeant Woodrow and Chief Charles Ervin of Borough of Union

Beach Police Department (the "April 2016 Meeting").

20. During the April 2016 Meeting it was explained to Thomas Plinio by Chief Ervin that the Borough of Union Beach and the Mayor of Union Beach had received noise complaints from UB Social's residential neighbors that "had to be dealt with".

21. During the April 2016 Meeting, Chief Ervin further suggested that UB Social's promoter was bringing in the wrong "clientele" and "element", implicitly referring to the race of UB Social's patrons most of which were African American, and implicitly threatened UB social's operation, by explaining that it was up to he (Chief Ervin) and the Council to review and vote on renewal of UB Social's liquor license.

22. Immediately after the April 2016 meeting, UB Social and the Plinios took specific steps to address the noise complaints.

23. Specifically, UB Social insulated the premises, added soundproofing to the windows and doors, hung a noiseproofing barrier in the outside area, put up large and visible signs throughout the Bar requesting that its patrons respect its neighbors and enter and exit quietly, and sent pictures of the same to the Union Beach Police Department.

24. In or around the beginning of May 2016, Chief Ervin came into UB Social and reviewed and commended Thomas Plinio on the steps taken to address the noise complaints. During this visit Chief Ervin commented that the neighbors were still unhappy and "don't like the blacks coming into the bar". However, despite Chief Ervin's comment, there had been no violations received by UB Social, and no police reports had been issued.

25. The Plinios discussed the continued issues raised by Chief Ervin with the landlord of 910 Union Avenue, Steven Gross, who was a personal friend of Defendant Mayor Smith.

26. Mr. Gross then arranged a meeting between Thomas Plinio and Mayor Smith. The meeting arranged by Mr. Gross took place on or about May 17, 2016 at Mayor's Smith's house and was attended by Thomas Plinio, Mayor Smith and Chief Ervin (the "May 2016 Meeting").

27. During this May 2016 Meeting, Chief Ervin confirmed to Mayor Smith that Plaintiffs had done everything the Borough had asked of them, everything in their power to appease UB Social's residential neighbors and were conducting UB Social's business reasonably and properly, and Mayor Smith told Thomas Plinio that he would discuss the noise complaints with the neighbors and would explain to the neighbors that they would have to deal with some noise "because they live next to a bar".

28. On or about June 14, 2016 UB Social and Thomas Plinio received a letter notice from the Clerk of the Borough of Union Beach setting a Special Council Meeting for June 30, 2016 to discuss the renewal of UB Social's liquor license.

29. The renewal deadline for UB Social's liquor license was also June 30, 2016, the same date as the special council meeting scheduled to discuss the renewal.

30. Thomas Plinio contacted the Borough of Union Beach Clerk and requested that the special council meeting be convened before June 30th, as that was the same date as the liquor license renewal, but said request was refused.

31. Upon receipt of the notice scheduling the special council meeting for June 30, 2016 and the Clerk's refusal to schedule the meeting sooner, Thomas Plinio contacted UB Social's landlord, Mr. Gross to advise him of the same. Mr. Gross explained to Thomas Plinio that he spoke to Mayor Smith, that Mayor Smith assured Mr. Gross that the Borough of Union Beach would be renewing UB Social's Liquor License, that the special meeting was called simply

to appease the neighbors, and that Mayor Smith further specifically suggested that Thomas Plinio come to the special meeting without a lawyer, because if he comes with a lawyer "it would look worse".

32. As suggested by Mayor Smith, on June 30, 2016 Thomas Plinio appeared at the scheduled special council meeting without his attorneys, and without any legal counsel. The Special Council Meeting, was attended by Borough of Union Beach Council Members Perrella, Wicki, Roche, Williams, Andreuzzi, and Cocuzza, Mayor Smith, Union Beach Borough Clerk Anne Marie Friscla, Union Beach Borough Attorney John T. Lane, Jr., and various members of the public who lived near and around UB Social. See transcript of June 30, 2016 Special Council Meeting attached hereto as **Exhibit "1"**.

33. As the transcript of the June 30, 2016 Borough of Union Beach Special Council Meeting provides, and as the Borough of Union beach Attorney stated, "the principal reason tonight [for the meeting] [wa]s the renewal of the License for the Union Beach Social Restaurant and Bar for the period of July 1[2016] through June 30 [2017]." See, **Exhibit "1"**.

34. During said June 30, 2016 Borough of Union Beach Special Council Meeting, 8 members of the public spoke to address their issues and concerns with UB Social, including noise, parking, smoking outside of the Bar, whether the outside bar was properly permitted, and concern for the "men of color" walking on the streets near the bar. See, **Exhibit "1"**

35. During said June 30, 2016 Borough of Union Beach Special Council Meeting Thomas Plinio was given an opportunity and did respond to each of the concerns raised, clearly explaining that all spaces, including the outside bar were properly permitted and provided evidence of the same, and that he had taken steps to curb the noise, parking and other issues

raised. See, **Exhibit "1"**

36. After hearing the public and based on the concerns they raised, the Borough of Union Beach Attorney and Council decided to apply four (4) specific restrictions to UB Social's Liquor License, including the following: (1) The Outside Bar was required to close at 10:00 pm on Weekdays and 11:00 pm on weekends; (2) special signage was required to be placed at the door reminding patrons that the bar has neighbors that live nearby and to be quiet while walking to their cars, to not litter on neighbors lawns; and before leaving to use the restroom facilities; (3) Required installation of 4 cameras, 2 inside and 2 outside, within 30 days with video and audio recording and a 30 day retention which should allow for immediate viewing by the Police if requested; and (4) requirement that a uniformed off-duty police officer be at the door from 9:30 pm to 2:30 am Fridays and Saturdays and that said officer shall be secured from the Union Beach Police Department. See **Exhibit "1"** and June 30, 2016 Resolution 2016-123, attached hereto as **Exhibit "2"**.

37. During said June 30, 2016 Borough of Union Beach Special Council Meeting Thomas Plinio specifically requested that he be given an opportunity to have legal counsel review the restrictions before they were imposed, which was refused, and kept reiterating that these restrictions were being imposed at the eleventh hour before the renewal deadline expired and he was not being given due process, to which the Borough of Union Beach Attorney responded that the restrictions were going to be imposed, and Mr. Plinio could appeal the restrictions. See **Exhibit "1"**.

38. In no uncertain terms, UB Social was told to accept the restrictions, or the Liquor License would not be renewed, which would cause the bar to be shut down that day at 12:00 a.m.

See, **Exhibit "1"**.

39. At 10:00 p.m. on June 30, 2016 the Borough of Union Beach Clerk appeared at UB Social with the Liquor License and the four (4) new restrictions imposed thereon (the Renewed Liquor License"). A copy of the Liquor License with the newly imposed restrictions is attached as **Exhibit "3"**.

40. Upon receipt of the Renewed Liquor License with the 4 stated restrictions, UB Social immediately complied with the first three restrictions by closing the Outside Bar at 10 pm on weekdays and 11:00 pm on weekends and installing the signage required. UB Social had already installed the 4 required cameras, 2 inside the bar and 2 outside the bar.

41. Also, in an effort to comply with the 4th restriction imposed on UB Social's Renewed Liquor License, that a uniformed off-duty police officer provided by the Union Beach Police Department be stationed at the front door of UB Social on Friday and Saturday nights from 9:00 pm to 2:30 am, Thomas Plinio contacted the Union Beach Borough Clerk to arrange for the execution of a contract with the Union Beach Police Department, as required by the rules and regulations of the New Jersey Alcoholic Beverage Control (hereinafter "ABC").

42. The Union Beach Borough Clerk advised Thomas Plinio that the Borough would be passing an ordinance regarding stationing the uniformed off duty officers and would provide a contract to him regarding the same, but that UB Social could operate under the Renewed Liquor License in the meantime.

43. However, despite said representation by the Union beach Clerk, no ordinance was passed and no contract was ever provided by the Borough of Union Beach and/or the Police Department of Union Beach.

44. On or about July 7, 2016, Union Beach Police Chief Ervin came into UB Social at approximately 2 p.m. During this visit Chief Ervin explained to Thomas Plinio, that there would be an off duty police officer stationed at the door of UB Social, that he was negotiating the terms with the Police Union for the hours of 10:30 p.m. to 2:30 a.m. and that he would get back to Thomas Plinio with a contract, fully aware that UB Social was operating at that time under the Renewed Liquor License.

45. Despite Chief Ervin's representations, and the ABC rules and regulations, neither The Borough of Union Beach, nor the Union Beach Police Department, nor Chief Ervin ever provided UB Social with a contract for the required off-duty police officers.

46. Also during Chief Ervin's July 7, 2016 visit to UB Social, Chief Ervin made comments regarding the "black element at the bar".

47. Shortly thereafter, Thomas Plinio was advised by some of the neighbors of UB Social, by Union Beach Borough Councilman Charles Cocuzza, that they felt bad about the restrictions imposed by the Renewed Liquor License, that the restrictions were not warranted, that they knew the restrictions were affecting UB Social's business, and that they were working towards getting the restrictions lifted.

48. On or about August 5, 2016, UB Social and Thomas Plinio received a letter notice from the Clerk of the Borough of Union Beach setting another Special Council Meeting for August 18, 2016 to discuss the restrictions placed on UB Social's liquor license.

49. On August 18, 2016 a Special Council Meeting was convened, and was attended by Council Members Perrella, Wicki, Roche, Williams, Andreuzzi, and Cocuzza, Mayor Smith, Borough of Union beach Clerk Anne Marie Friscla, Borough of Union Beach Attorney John T.

Lane, Jr., Borough of Union beach Administrator Robert Howard, Jr., Thomas and Gina Plinio and various members of the public who lived near and around UB Social (the "August 18, 2016 Special Council Meeting"). See transcript of August 18, 2016 Special Council Meeting attached hereto as **Exhibit "4."**

50. As the transcript of the August 18, 2016 Special Council Meeting provides and the Borough of Union Beach Attorney stated, the liquor license renewal was passed and the restriction took effect immediately and were satisfied by UB Social with the exception of the requirement of the off duty police officers on Fridays and Saturdays, as the Borough "did not have a written policy prior and one had to be drafted" relating thereto and had to be "finalized with the PBA." See **Exhibit "4."**

51. During the August 18, 2016 Special Council Meeting Thomas Plinio specifically requested that the restrictions regarding the installation of a uniformed off duty police officer of Union Beach Police Department on Friday and Saturday nights and early closing times for the outside area of UB Social be lifted, as no other bar with outside space in the Borough of Union Beach were required close early. He explained that the installation of the uniformed police officer and the early closing times for the patio bar would put a strain on his business and the bar could not afford the expense.

52. Also during the August 18, 2016 Special Council Meeting, again the restrictions were opened for public comment and a few neighbors of UB Social voiced their concerns about, noise, parking, and permits, and others made oblique references to the race of UB Social's customer base stating "it looks like Compton around the bar". This outrageous comment and reference to "Compton" was omitted from the written transcript of the Special Council Meeting,

but, upon information and belief, this comments still resides in the audio recording of the Meeting.

53. After hearing the public's comments the Borough of Union Beach decided that the restrictions applied to UB Social's Liquor License would not be lifted or removed.

54. On or about August 19, 2016, at approximately 9:30 a.m., Thomas Plinio called the Borough of Union Beach Clerk and the Borough of Union Beach Administrator and told them that UB Social needed a contract for the Police Officers to be assigned to the door, per the restrictions imposed on UB Social's Liquor License, so that UB Social could put the Police Officers and the Borough of Union Beach on UB Social's insurance and inform the state ABC, as required by ABC's rules and regulations.

55. During these conversations, The Borough of Union Beach Clerk and Administrator both acknowledged that UB Social was permitted to operate under the Renewed Liquor License, that they were aware that an off duty uniformed police officer had not been stationed at UB Social as required in restriction #4, and further advised Thomas Plinio that the Borough was going to hold a meeting because it had to pass an Ordinance to have a Police Officer at the door, and that he and UB Social would be informed and invited to the meeting.

56. Despite these representations and the previous representations made by Chief Ervin and the Borough of Union Beach representatives, UB Social and the Plinios never received a contract from the Borough of Union Beach and/or the Union Beach Police Department, and the Borough of Union Beach did not conduct such a meeting, nor did it invite UB Social and/or the Plinios to such a meeting.

57. Further, UB Social is not aware of any ordinance being passed regarding the same.

58. Both before and immediately following the August 18, 2016 Special Council Meeting, the Union Beach Police Department, commenced a systematic practice of harassing intimidating UB Social and its customers and interfered with the lawful operation of UB Social's business and violated their equal protection and due process rights and privileges, and have used and abused legal process with the ulterior purpose of financial benefit.

59. More specifically, the Union Beach Police Department immediately began stationing marked police cruisers in UB Social's parking lot, directly in front of the bar's entrance/exits, and directly across the street from UB Social for hours at a time, forcing UB Social's customer's to walk around the police cruisers to enter and exit the bar.

60. By way of example, on August 19 and August 20, 2016, the Union Beach Police Department stationed 2 police cars in UB Social's parking lot and two on duty police officers outside UB Social's patio bar on Cambridge Avenue from 10 p.m. to 2 a.m.. On those dates, the on duty Police Officers stood outside of the patio bar harassing UB Social's customers. On both nights Thomas Plinio asked the on-duty police officers if the Police Department had received any complaints and the police officers said that they had not received any complaints.

61. By way of another example, on August 26, 27, 28, and 29, 2016 and September 2 and 3, 2016, there were two marked police cruisers stationed in UB Social's parking lot each night, with police officers inside. On each of these dates, the police officers would sit in their marked police cruisers parked directly in front of UB Social's patio entrance/exit and would harass UB Social's customers telling them to stop smoking, to go inside or to leave the bar. This practice caused UB Social to lose a substantial amount of business.

62. Upon information and belief, the Borough of Union Beach and the Union Beach Police Department have not stationed uniformed police officers and/or marked police vehicles directly outside of any other alcohol serving establishment in the Borough of Union Beach.

63. In addition, Union Beach Police Officers began consistently and repeatedly stopping, interrogating and harassing UB Social's customers and employees, especially targeting African Americans, as they entered and left UB Social, without legal justification.

64. Union Beach Police Officers also repeatedly pulled cars over that were exiting the UB Social parking lot.

65. By way of example, Roy Raggi, an African American bartender at UB Social, was pulled over as he exited UB Social's parking lot and was issued 5 tickets for various traffic violations, 4 of which were dismissed when he contested them.

66. Upon information and belief, the Borough of Union Beach and the Union Beach Police Department have not allowed officers to stop, interrogate or harass patrons of other alcohol serving establishments in the Borough of Union Beach.

67. Further, Union Beach Police Department was issuing an inordinate number of parking tickets to UB Social employees and customers, who were parked in the UB Social private parking lot, and in legal street parking spaces surrounding UB Social.

68. As an example, on or about September 17, 2016, Gabby White, a waitress at UB Social, was issued a parking ticket while parked in UB Social's parking lot for illegal parking.

69. By way of another example, on Wednesday July 20, 2016 at approximately 8:30 pm, UB Social customer Lisa Lopez parked her car in a legal parking space on the street in front of a house near UB Social. Despite the fact that Ms. Lopez was parked in a appropriate street

parking space and had since moved her vehicle into UB Social's parking lot, 2 Union Beach Police Officers arrived at and entered UB Social and started questioning all of the bar's patrons as to who was the owner of the blue Audi vehicle (that had been previously parked on the street but at the time they entered was parked in UB Social's parking lot). The bar's customers began complaining about the police harassment and left the bar.

70. In the 70 years that a bar/restaurant had been in business at the UB Social location, its employees and patrons never received parking tickets while parked in the bar's private parking lot, and/or the legal parking spaces surrounding it.

71. The Union Beach Police Department's repeated, consistent, and systematic practice of issuing parking tickets to UB Social's customers and employees legally parked in private parking lots and permitted public parking spaces has caused Plaintiffs to lose a substantial amount of business.

72. In or around September 2016, Gina Plinio contacted the Union Beach Police Department to complain of the unnecessary police presence, the harassment and ticketing of UB Social's customers and employees, and the effect these actions were having on UB Social's business, and spoke with Chief Ervin, who explained that "he would have a talk with the officers".

73. Gina Plinio's complaints did nothing to curb the continued harassment by the Union Beach Police Department of UB Social's patrons and employees, and in fact the harassment only got worse.

74. The Borough of Union Beach, the Union Beach Police Department, and Chief Ervin took no action whatsoever in response to Gina Plinio's complaints, and by doing nothing

communicated a message of approval of the police harassment.

75. The non-response to Gina Plinio's allegations and complaints reflected a policy of deliberate indifference to the constitutional rights of the Borough's inhabitants, particularly the Plaintiffs herein.

76. Also, in or around September 2016, despite the fact that no ordinance or written policy was passed or provided to UB Social, that no contract was ever executed by and between the Borough of Union Beach and/or the Police Department of Union Beach and UB Social, as required by the ABC rules and regulations, and that no uniformed off duty police officers were ever stationed at the door of UB Social, the Borough of Union Beach Police Department sent an invoice to UB Social for \$3360, for a police officer for 4 hours on each of August 19, 20, 22, 26, and September 2, 3, 9, 10, 16, 17, 23, 24, 30, and October 1, charging \$60 per hour for various off duty officers. A copy of the Bills and Invoices issued to UB Social by the Union Beach Police Department are collectively attached as **Exhibit "5."**

77. Also in or around September 2016, Detective Washburne of the Monmouth County Prosecutors Office contacted UB Social and spoke to Thomas Plinio and explained that he received several anonymous tips and was doing an internal affairs investigation of the Union Beach Police Department relating to allegations that the Union Beach Police Department was improperly and illegally charging UB Social (and others) for off duty police officers that were actually on-duty at the time they were being represented and charged as off duty, and further allegations that the Union Beach Police Officers were being incentivised to issue DUIs to UB Social customers, as it was alleged that officers were told that they would be paid both off duty compensation and regular shift wages if they issued DUIs to persons leaving UB Social.

78. During this conversation, Detective Washburne suggested that UB Social forward any invoices received from the Union Beach Police Department and asked Thomas Plinio to hold off making payment on the invoices received.

79. As requested, Thomas Plinio forwarded to Detective Washburne the Invoices he received from The Borough of Union Beach. See Fax cover sheet to Detective Washburne from Tommy Plinio enclosing the invoices received from the Borough of Union Beach (produced without attachments), attached as **Exhibit "6."**

80. After the first Invoice was sent by the Union Beach Police Department for the off-duty police assignment and was not paid by UB Social, the Union Beach Police Departments' campaign of harassment of UB Social and their customers got exceedingly worse, with more and constant police presence around UB Social, more questioning and interference with UB Social's business and customers, more ticketing, more stopping of cars patronizing and leaving UB Social, and on several occasions, uniformed Union Beach Police Officers actually entered UB Social, and questioned and harassed UB Social staff and patrons.

81. By way of example, on Sunday October 2, 2016 at 9:10 p.m. Officer Chris Tuberian of the Union Beach Police Department walked into UB Social, which had approximately 65 patrons at the time, and began yelling at the bartender Ryan O'toole in front of customers to "come outside" that there was complaint that a couple was arguing down the block and that he was "shutting this bar down". When the customers heard this they left UB Social.

82. In fact, the couple that had been arguing down the street, were never in and were not patrons of UB Social.

83. By way of another example, on November 23, 2016, Thanksgiving Eve night, which is one of the busiest nights of the year for bar establishments, the Union Beach Police Department had 3 marked police cruisers on UB Social's parking lot, 3 police officers standing in UB Social's parking lot harassing and demanding identification from UB Social's customers when they entered and exited the bar, from approximately 10:30 p.m. to 1:30 a.m., which directly and proximately caused patrons to leave UB Social.

84. By this point, UB Social was routinely receiving social media messages and posts from customers complaining about the police presence and harassment at the Bar, indicating that they were avoiding UB Social because of the Union Beach Police actions. Copies of samples of the facebook posts and messages received from UB Social patrons are attached as **Exhibit "7."**

85. Despite the fact that the Borough of Union Beach had never stationed a uniformed off-duty police officer at the door of UB Social from 9:30 pm to 2:30 am Fridays and Saturdays, but were billing and invoicing UB Social for the same, on or about November 21, 2016, UB Social received a letter from the Borough of Union Beach Attorney John Lane, Jr., stating that the Borough of Union Beach was attempting to collect a debt of \$5520 for "Off-Duty Police Officers that provided security at your establishment from August, 9, 2016 until November 5, 2016. You have been billed monthly during this period. The presence of these officers is mandatory per a condition of your Plenary Retail Consumption License issued pursuant to Resolution 2016-123." It further provided, in relevant part, that UB Social "must contact Robert Howard, Borough Administrator to make an arrangement to pay your arrearages within 30 days of this letter and remain current on these charges thereafter. While it is not our intention to close your establishment, if you fail to pay these invoices or to make an arrangement you will force the Borough to cease providing these Off-Duty Officers . If you fail to have these officers present you

will be violating the conditions of your license and the Borough can take actions against your license including but not limited to closing the establishment to liquor sales up to and including revocation of your Conditional Plenary Retail Consumption License.” (The “November 21, 2016 Debt Collection Letter”) A copy of the November 21, 2016 Debt Collection Letter from Borough of Union Beach Attorney Lane is attached as **Exhibit “8.”**

86. Upon receipt of the November 21, 2016 Debt Collection letter, Thomas Plinio spoke to Steven Gross, UB Social’s landlord, who, of his own volition, spoke to Mayor Smith. Steven Gross recounted to Thomas Plinio that Mayor Smith suggested that UB Social write a “hardship letter” to the Borough of Union Beach Council to encourage a lifting of the restrictions imposed on the Renewed Liquor License.

87. Heeding to Mayor Smith’s suggestion, on November 21, 2016 Thomas Plinio submitted a letter to Mayor Smith and the Union Beach Town Council, stating in relevant Part:

I am humbly submitting this letter as a notification of hardship that this board has burdened my business with. At the meetings held in June and August of 2016, it was decided that I must pay a police officer to stay at my business during my busiest hours. This regulation was imposed with no precedent of ever having been done at any competing establishments with similar business models and is thus discriminatory in nature. Ironically, the same board imposing this regulation was instrumental, even persuasive in drawing me into this business, promising cooperation and assistance in getting my business up and running as it was considered a useful and necessary addition to the community. Less than a year later, along with other restrictions on my liquor license, this regulation was imposed and effectively takes my business from being modestly profitable to operating in the red on a monthly basis to pay for this unnecessary service that none of my competitors are similarly burdened with.

In lieu of taking legal action as a first step, I am requesting this board reconsider this unfair requirement of my business and remove this obligation so that I can keep my business operating in the community. If my request is rejected, I will be forced to explore my legal options and likely to close the business down due to financial hardship which I can provide documentation to prove.

I am hopeful that this letter renews our past discussions that were instrumental in my becoming part of this community and providing a service this board requested I provide in the aftermath of Hurricane Sandy that devastated the local economy. It is

my intention to remain a contributing part of Union Beach through the jobs I have created, the services I provide and the taxes I pay and continue to do my best to be a good corporate citizen and neighbor. I leave it in your hands to decide whether you will allow me to continue in these capacities.

A copy of Thomas Plinio's November 21, 2016 "hardship" letter to Mayor Smith and the Borough Town Council is attached as **Exhibit "9."**

88. As suggested by Detective Washburne of the Monmouth County Prosecutors Office, UB Social did not pay the invoices from the Borough of Union Beach for the Off-Duty security services (which were never actually provided as described more fully above).

89. On or about December 17, 2016, Chief Ervin appeared at UB Social with a copy of a December 19, 2016 letter from the Borough of Union Beach Attorney John Lane, and told UB Social's bartender "if this is not paid I am shutting you down". The December 19, 2016 letter from Borough of Union beach Attorney Lane stated in relevant part:

This letter is a follow-up to my letter of November 21, 2016 seeking to collect \$5,520 for off-duty police officer invoices. To date, you have failed to make arrangements to pay your arrearages. Therefore, effective Thursday, December 22, 2106, the borough will not provide an off-duty police officer for your establishment.

This letter is a formal notification to you that if no uniformed off-duty police officer is stationed outside your facility from 9:30pm to 2:30am on Friday December 23, 2016 and Saturday December 24, 2016 and each and every Friday and Saturday night thereafter, you will be subject to disciplinary proceedings pursuant to N.J.A.C. 13:2-1.9 et seq. for each and every Friday and Saturday.

A Copy of Attorney Lane's December 19, 2016 letter is attached as **Exhibit "10."**

90. On or about December 20, 2016, Thomas Plinio contacted the Borough of Union Beach Attorney John Lane to discuss Attorney Lane's December 19, 2016 letter and Chief Ervin's threat that "UB Social was going to be shut down". During Thomas Plinio's telephone conversation with Attorney Lane, Attorney Lane confirmed that if the Borough's invoices for the "off-duty police services" were not immediately paid, the Borough of Union Beach would

immediately shut UB Social down.

91. In response, and on the same date, both Thomas Plinio and UB Social's Attorney, Robert Carter Pierce, Esquire wrote separate letters to Attorney Lane and the Borough of Union Beach.

92. Attorney Robert Carter Pierce's December 20, 2016 letter to Borough Attorney Lane, sent on behalf of the Plaintiffs, stated in relevant part:

I represent the Union Beach Social Restaurant and Bar, LLC and their respective owners, Mr. Thomas Plinio and Mrs. Gina Plinio concerning the special conditions imposed upon their liquor license by the Borough on June 30, 3016. My clients opened their restaurant on November 1, 2015. The liquor license was up for renewal on July 1st and the Borough conducted a special meeting concerning the re-issuance of the license the night before.

The Borough imposed four special conditions upon the license, which included the following:

There shall be a uniformed off-duty police officer outside the door from 9:30 p.m. until 2:30 p.m. Friday and Saturday. Said officer shall be secured through the Borough of Union Beach, if possible.

This condition was presented to my clients for the first time at the meeting at the request of the neighbors. Please note that the property is located in a commercial zone. This type of condition is unprecedented at this location, which has been a bar/restaurant for 70 years and seems to have been imposed because of the increased presence of African American patrons since my clients' recent ownership of the restaurant. In addition, it imposes a substantial cost upon the owners, without the option of hiring private security with a far less cost. The condition was also presented on the day before the liquor license was to expire, leaving the owners with no option but to agree to the terms. Most importantly, the presence of uniformed police deters patrons from frequenting the establishment. Recently, the police have been appearing at the bar for no reason, which deters patrons from frequenting the establishment. In addition, my client is not in contract with the police department in any fashion and, as such, the police security officers are not on the Restaurant's liability insurance policy.

I am requesting the Borough to call a special meeting to revisit the imposition of special condition #4 (uniformed police security from the Union Beach Police Dept.) to determine the following:

- (a) Whether the Borough has the authority to require a business owner to hire off-duty Borough police officers for security as a condition precedent for the Borough to renew a Borough liquor license?
- (b) Whether the restaurant is permitted to hire private security instead of using Borough police officers?
- © Whether police security is required?
- (d) Whether the Borough has the authority to terminate the liquor license for alleged non-payment of fees?

I acknowledge that these issues will be raised at the time of the re-issuance of the license in June 2017. However, there was supposed to have been a town counsel meeting to pass the details of these conditions within two months. The meeting did not occur. I bring this to the attention of the Borough at this time because of the significant cost imposed upon my clients going forward. Therefore, I am requesting relief at this time.

A copy of Attorney Pierce's December 20, 2016 letter to Attorney Lane is attached as Exhibit "11."

93. Despite Attorney Pierce's letter request, the Borough did not call or have a special meeting to revisit the imposition of the condition/restriction applied to UB Social's Liquor License, and in fact took no action whatsoever in response thereto.

94. Also, on December 20, 2016, Thomas Plinio wrote a letter to Attorney Lane and the Borough of Union beach Administrator Robert Howard, and stated in relevant part:

Attached please find my attorney's response to your attempts to collect fees from my business for what were supposed to be off-duty police officers assigned to be present at my establishment. On the advice of said attorney, I have not made payment on your requests to date because I was contacted in October, 2016 by the Monmouth County Prosecutors Office regarding an open criminal investigation into the Borough of Union Beach, Police Department of Union Beach, Town Council of Union Beach, the Borough Clerk, Borough Attorney and Borough Administrator. That investigation includes the services you are attempting to charge me for and I was informed you would be notified of this investigation imminently.

It is my intent to monitor the progress of this case as I will be bringing a civil case against of the above mentioned parties for all restrictions imposed on my liquor license, all lost income and all actions taken against my business and against me personally, both past and future in retaliation for my actions noted here. Until this case develops, I will not be making any of the requested payments.

A copy of Thomas Plinio's December 20, 2016 letter to Attorney Lane and Borough of Union

beach Administrator Robert Howard is attached as **Exhibit "12."**

95. By this point, and as a direct and proximate result of the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin of the Union Beach Police Department and Mayor of Union Beach Paul Smith's actions and omissions described above, which include but are not limited to violations of 42 U.S.C. § 1983 and 1985, the Fourth, and Fourteenth Amendments of the United States Constitution, violations of the New Jersey Civil Rights Act, malicious abuse of process, negligent training/supervision of police officers, tortious interference with economic advantage and negligence, UB Social's business had dropped so significantly that it was unprofitable, was losing money and was forced to close its doors.

96. As a further direct and proximate result of the acts and omissions of the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin of the Union Beach Police Department and Mayor Paul Smith, Plaintiffs have suffered a severe loss of income and loss of investments, which continues to this day, and will continue into the future, a substantial impairment of their earning capacity and power, great financial losses and expenses, mental anguish, embarrassment, and humiliation.

97. On March 2, 2017, in accordance with New Jersey Statute Annotated, Title 59, Plaintiffs served on Defendants their Notice of Claims under New Jersey's Tort Claims Act. A copy of Plaintiffs' March 2, 2017 Notice of Claims under New Jersey's Tort Claims Act is attached as **Exhibit "13."**

98. On March 21, 2017 Plaintiffs served their Responses, with attachments and executed Certification, to the Borough of Union Beach's Official Form for Notice of Tort Claims, that was sent to Plaintiffs' counsel's offices by on March 15, 2017. A copy of Plaintiffs' Responses to the Borough of Union Beach's Official Form for Notice of Tort Claims (**without**

attachments) is attached as Exhibit "14".

COUNT I
42 U.S.C. § 1983
FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION
DUE PROCESS CLAUSE
Plaintiffs v. All Defendants

99. Plaintiffs hereby incorporate the allegations set forth in the foregoing paragraphs as if set forth at length herein.

100. The acts of the Defendants, individually and in concert with each other, constitute a violation of the Plaintiff's rights under 42 U.S.C. § 1983, as well as a violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

101. The Due Process Clause of the Fourteenth Amendment prohibits the government from depriving any person of life, liberty or property. U.S. Const., amend. XIV, § 1. This includes the prohibition of certain arbitrary and wrongful government acts regardless of the fairness to implement them.

102. At all times relevant hereto, Plaintiffs had rights protected by the United States Constitution to acquire, possess, and protect their interests in their property, business and occupation, which were maintained in the Borough of Union Beach. Among those rights deprived to Plaintiffs by Defendants was their rights to make full use of their property, business, and occupation.

103. The Defendants, individually and in conspiracy with each other, deprived the Plaintiffs of the rights protected by the United States Constitution by: (1) abusing police and municipal power and authority in an effort to destroy Plaintiffs' business and occupations; (2) harassing, retaliating against and stigmatizing Plaintiffs; and (3) depriving Plaintiffs of their property interests in the profits of their business and their liberty interests in operating their

business, all without due process.

104. Because of Defendants' collective acts, Plaintiffs were deprived of their protected liberty interest to own and use their real property, as well as their interests to pursue their occupations, and have suffered, and continue to suffer, economic losses and damages, including lost profits and a decline in value of their investment.

105. The corrupt acts of Defendants were done while purporting to act within the scope of their authority and under the color of state law.

106. The conduct of the Defendants was arbitrary, capricious and tainted by improper motives and is conscience shocking in that Defendants' conduct: (a) was without justification or lawful purpose; (b) was instead motivated by self-interest, self-dealing and financial benefit; © was corrupt and intended to injure Plaintiffs; and (d) may have been based on racial animus because of the substantial amount of minorities that were patrons of UB Social.

107. The actions of the Defendants were willful, deliberate and taken with a reckless disregard for Plaintiffs' cognizable and protected constitutional and civil rights, and deprived Plaintiffs of the right to operate their business without government harassment.

108. As a direct and proximate result of the corrupt actions of the Defendants, as set forth above, Plaintiffs suffered compensable injury and damages, as follows:

- a.) violation of their due process rights under the Fourteenth Amendment;
- b.) significant financial loss and monetary damages;
- c.) significant loss of income and other financial benefits;
- d.) economic damages and costs of protecting their rights;
- e.) deprivation of the lawful use and enjoyment of their interests and property;
- f.) reputational harm; and
- g.) other compensable damages.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (Punitive damages are demanded against only Defendants Mayor Smith and Chief Ervin, and not against the Borough of Union Beach), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT II
42 U.S.C. § 1983
FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION
EQUAL PROTECTION CLAUSE
(Plaintiff v. All Defendants)

109. Plaintiffs incorporate the preceding paragraphs by reference as if set forth fully herein.

110. The Fourteenth Amendment to the United States Constitution states that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const., amend. XIV, § 1.

111. Numerous other individuals operate similarly-situated business establishments in the Borough of Union Beach.

112. None of these other business owners had similar restrictions placed on their liquor licenses, none were forced to endure the constant police harassment suffered by the Plaintiffs, nor the abuses of power and process suffered by the Plaintiffs.

113. The conduct of the Defendants in treating Plaintiffs differently from similarly-situated owners of business establishments in the Borough of Union Beach was intentional, irrational, wholly arbitrary and lacking in any rational basis.

114. As a direct and proximate result of the corrupt actions of the Defendants, as set forth above, Plaintiff suffered compensable injury and damages, as follows:

- a.) financial loss and monetary damages;
- b.) loss of income and other financial benefits;
- c.) economic damages and costs of protecting their rights;
- d.) deprivation of the lawful use and enjoyment of their property and business;
- e.) reputational harm; and
- f.) other compensable damages.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (Punitive damages are demanded against only Defendants Mayor Smith and Chief Ervin, and not against the Borough of Union Beach), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT III
VIOLATION OF 42 U.S.C. § 1983
MONELL CLAIM – PATTERN OF CONDUCT
(Plaintiff v. All Defendants)

115. Plaintiffs incorporate the preceding paragraphs by reference as if set forth fully herein.

116. Defendants are liable to Plaintiff pursuant to 42 U.S.C. § 1983 for a municipal policy, custom or practice resulting in a deprivation of constitutional rights.

117. By way of example, Defendant the Borough of Union Beach/the Union Beach Police Department, and Chief Ervin, as a matter of policy and practice, and as described more fully above, were aware that off-duty police officers were not stationed at and/or working for UB Social, yet directed that UB Social be billed and did bill UB Social for off-duty police officer services for each Friday and Saturday evening, abused legal process, and harassed and threatened UB Social, its employees and customers, thereby causing and encouraging police officers of the

Union Beach Police department to engage in unlawful conduct as described above.

118. Further, as a matter of policy and practice, Defendant the Borough of Union Beach/the Union Beach Police Department, Mayor Smith and Chief Ervin deliberately and recklessly failed to adequately train, instruct, supervise, and discipline or otherwise direct police officers concerning violations of the constitutional rights of citizens, thereby causing Union Beach police to engage in the unlawful conduct described above.

119. Defendants Mayor Smith, as the Mayor of the Borough of Union Beach, and Chief Ervin, as the Chief of the Union Beach Police Department, are responsible, along with the aforementioned Defendants, for the policy, customs, practices, training and discipline of law enforcement for the Borough of Union Beach via the Union Beach Police Department.

120. Defendants the Borough of Union Beach /the Union Beach Police Department, Mayor Smith, and Chief Ervin were notified both verbally and in writing of the police harassment of UB Social and its employees and customers, and the fraudulent invoices provided to UB Social and had the power to prevent or aid in preventing the commission of the wrongs outlined above, could have done so by reasonable diligence, and knowingly, recklessly, or with gross negligence failed or refused to do so.

121. The Defendants' failure to properly address the complaints made by the Plaintiffs, and failure to properly supervise and discipline its police officers, for known constitutional violations, repeatedly reported by Plaintiffs and others, reflects a policy of deliberate indifference to the rights of the Union Beach's inhabitants and the Plaintiffs.

122. Defendants the Borough of Union Beach/the Union Beach Police Department, Mayor Smith, and Chief Ervin directly or indirectly, under color of law, directed, approved and/or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of the Union Beach Police Officers and Police Department heretofore described.

123. Defendants the Borough of Union Beach/the Union Beach Police Department, Mayor Smith, and Chief Ervin, through information provided by the Plaintiffs, and multiple complaints made by Plaintiffs and meetings with Plaintiffs, as well as multiple complaints by others, as described more fully above, had actual knowledge of the Union Beach Police Department's violations of Plaintiffs' civil rights, and ongoing harassment, abuses of process, and misbehavior, and by failing and refusing to employ any corrective measures or practices, or take any action whatsoever, acquiesced in such actions, and implemented a policy or practice that created an unreasonable risk of a constitutional violations.

124. As a direct and proximate result of the policy and practices implemented by the Defendants and acts and omissions more fully described herein, Plaintiffs have suffered compensable injury and damages, as follows:

- a.) financial loss and monetary damages;
- b.) loss of income and other financial benefits;
- c.) economic damages and costs of protecting their rights;
- d.) deprivation of the lawful use and enjoyment of their property and business;
- e.) reputational harm; and
- f.) other compensable damages.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (Punitive damages are demanded against only Defendants Mayor Smith and Chief Ervin, and not against the Borough of Union beach), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT IV
42 U.S.C. §1983
FOURTH AND FOURTEENTH AMENDMENTS
RIGHT TO BE SECURE FROM UNREASONABLE SEARCHES AND SEIZURES
(Plaintiffs v. All Defendants)

125. Plaintiffs incorporate the proceeding paragraphs by reference as if set forth at length herein.

126. The Fourth Amendment, made applicable to the States by the Fourteenth Amendment, provides in pertinent part that “the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated”.

127. Defendants corrupt and unlawful acts, described more fully above, violated Plaintiffs’ Fourth Amendment rights to be free from unreasonable searches and seizure of their property.

128. These corrupt and unlawful acts were done with the specific intent to deprive Plaintiffs of their constitutional rights to be secure in their property.

129. As a direct and proximate result of the Defendants unlawful searches and seizures more fully described herein, Plaintiffs have suffered compensable injury and damages, as follows:

- a.) financial loss and monetary damages;
- b.) loss of income and other financial benefits;
- c.) economic damages and costs of protecting their rights;
- d.) deprivation of the lawful use and enjoyment of their property and business;
- e.) reputational harm; and
- f.) other compensable damages.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (Punitive damages are demanded against only Defendants Mayor Smith and Chief Ervin, and not

against the Borough of Union beach), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT V
42 U.S.C. § 1985:
CIVIL CONSPIRACY TO VIOLATE CONSTITUTIONAL AND CIVIL RIGHTS
(Plaintiff v. All Defendants)

130. Plaintiffs hereby incorporate the allegations set forth in the foregoing paragraphs as if set forth at length herein.

131. Defendants agreed or understood that they would plot, plan, conspire or act in concert, with respect to the retaliation, harassment, coercion and other unlawful acts directed against the Plaintiffs described more fully above.

132. Defendants acted in concert for the purpose of depriving Plaintiffs, either directly or indirectly, of the equal protection of the laws, of equal privileges and immunities under the laws, and of due process under the law.

133. Defendants used police powers and municipal authority in furtherance of the conspiracy; the ultimate purpose of which was to harass, embarrass and humiliate Plaintiffs and to impair their ability to conduct their business and earn a living, all to produce a financial benefit for the Defendants.

134. As a direct and proximate result of the corrupt actions of the Defendants, acting in concert, as set forth above, Plaintiffs suffered compensable injury and damages, as follows:

- a.) financial loss and monetary damages;
- b.) loss of income and other financial benefits;
- c.) economic damages and costs of protecting their rights;
- d.) deprivation of the lawful use and enjoyment of property;
- e.) deprivation of occupation;

f) reputational harm; and

g.) other compensable damages.

135. Defendants are liable to Plaintiffs for conspiracy to violate their constitutional rights.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (Punitive damages are demanded against only Defendants Mayor Smith and Chief Ervin, and not against the Borough of Union beach), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT VI
MALICIOUS ABUSE OF PROCESS
(Plaintiffs v. All Defendants)

136. Plaintiffs hereby incorporate the allegations set forth in the foregoing paragraphs as if set forth at length herein.

137. As described more fully above, Defendants maliciously used a "legal process" to accomplish an ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.

138. Specifically and as outlined more fully above, Defendants the Borough of Union Beach/the Union Beach Police Department, Mayor Smith, and Chief Ervin, are liable for said malicious abuses of process, as they acted with malice and/or reckless indifference to Plaintiffs' federally and state protected rights to be free from abuses of process under 42 U.S.C. §1983, the United States Constitution, the New Jersey Constitution, and the New Jersey Civil Rights Act, by doing nothing in response to the repeated complaints made by Plaintiffs of the Union Beach Police Department's abuses of process and violations of civil rights, thereby executing a policy, regulation or decision which encouraged the abuses of process described above.

139. Said malicious abuses of process directly and proximately caused Plaintiffs the significant damages described herein above.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (punitive damages are not being sought from the Borough of Union Beach/Union Beach Police Department), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT VII
THE NEW JERSEY CIVIL RIGHTS ACT, N.J. STAT. § 10:6-2
(Plaintiffs v. All Defendants)

140. Plaintiffs hereby incorporate the allegations set forth in the foregoing paragraphs as if set forth at length herein.

141. By the acts and omissions described more fully above, Plaintiffs have been deprived of their substantive due process and/or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, and substantive rights, privileges or immunities secured by the Constitution and laws of the State of New Jersey, including, but not limited to, the New Jersey Constitution, Article I, paragraphs 1 and 5.

142. By the acts and omissions described more fully above, Plaintiffs' exercise and enjoyment of those substantive rights, privileges or immunities has been interfered with and attempted to be interfered with, by threats, intimidation or coercion by Defendant Union Beach Police Department and Chief Ervin, and the reckless indifference of Defendants the Borough of Union Beach/the Union Beach Police Department, Mayor Smith, and Chief Ervin, all acting under color of law.

143. As a direct and proximate result of Defendants' corrupt actions, threats, harassment, intimidation and/or coercion, and the inaction and indifference of Defendants the

Borough of Union Beach/the Union Beach Police Department, Mayor Smith, and Chief Ervin, as described more fully above, Plaintiffs have suffered significant financial losses and expenses, mental anguish, embarrassment, and humiliation.

144. Pursuant to N.J. Stat. § 10:6-2 (e), by depriving, interfering or attempting to interfere by threats, intimidation or coercion with the exercise or enjoyment by Plaintiffs of their substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, and substantive rights, privileges or immunities secured by the Constitution and laws of the State of New Jersey, Defendants are liable for a civil penalty for each violation described above.

145. Pursuant to N.J. Stat. § 10:6-2 (f) Plaintiffs are entitled to their reasonable attorney's fees and costs incurred.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (punitive damages are not being sought from the Borough of Union Beach/Union Beach Police Department), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT VIII
TORTIOUS INTERFERENCE WITH ECONOMIC ADVANTAGE
Plaintiffs v. All Defendants

146. Plaintiffs incorporate the foregoing paragraphs as if set forth at length herein.

147. As required by the New Jersey Tort Claims Act, Plaintiffs provided notice of their tort claims to the Defendants within 90 days of the accrual of their causes of action. See **Exhibits "13" and "14"**.

148. The Plaintiffs, as the operators of a bar/restaurant, had a reasonable expectation of an economic benefit or advantage.

149. As explained more fully above, the Defendants knew of Plaintiffs' expectancy.

150. By the acts and omissions described more fully above, Defendants intentionally and maliciously interfered with this expectancy.

151. Absent Defendants' acts and omissions, described more fully above, there was a reasonable probability that UB Social would have successfully continued in business and Plaintiffs would have realized the economic benefits which they lost by its forced closure.

152. As described more fully above, as a direct and proximate results of Defendants' acts and omissions, UB Social was forced to close and the Plaintiffs suffered significant injury and damages.

WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages (punitive damages are not being sought from the Borough of Union Beach/Union Beach Police Department), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT IX
NEGLIGENCE
Plaintiffs v. All Defendants

153. Plaintiffs incorporate the foregoing paragraphs as if set forth at length herein.

154. Defendants owed a duty to act reasonably and to supervise or train the Union Beach Police Officers and to take steps to prevent events such as occurred here, including, but not limited to, the repeated harassment of UB Social its customers and employees, the wrongful use and abuse of governmental process, the repeated violations of Plaintiffs civil rights, and the invoicing of UB Social for services never provided.

155. Defendants owed a duty to act according to the standards of ordinary care, the failure of which was the proximate cause of Plaintiffs' injuries.

156. Defendants breached their duties by failing to act and by failing adequately to control and to supervise the Union Beach Police Department and Officers, and by allowing the complained of harassment and abuses of process and power to continue.

157. As a result of those breaches, which were the proximate cause of Plaintiffs' injuries, Plaintiffs suffered harm and damages, as more fully described herein.

158. Defendants Mayor Smith and Chief Ervin are also liable under the doctrine of *respondeat superior*.

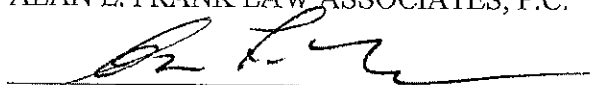
WHEREFORE Plaintiffs respectfully request that judgment be entered against all the Defendants jointly and severally, for actual, general, special, compensatory and punitive damages, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

JURY DEMAND

A jury trial is hereby demanded.

Respectfully submitted

ALAN L. FRANK LAW ASSOCIATES, P.C.

By: 

ALAN L. FRANK, ESQUIRE (#015411983)

135 OLD YORK ROAD

JENKINTOWN, PA 19046

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Fax (215) 935-1110

email alfrank@alflaw.net

Attorneys for Plaintiffs

Dated: September 7, 2017

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Union Beach Social Restaurant, LLC Va U.B. Social
910 Union Avenue, Union Beach, NJ 07735; and
Thomas & Gina Plinio, 163 Sant Road, Fairfield, NJ 07004

(b) County of Residence of First Listed Plaintiff Monmouth
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Alan L. Frank, Esquire and Samantha A. Millrood, Esquire
Alan L. Frank Law Associates, P.C., 135 Old York Road, Jenkintown, PA
19046; (215) 935-1000

DEFENDANTS

Borough of Union Beach/Union Beach Police Department
650 Poole Avenue, Union Beach, NJ 07735
(See Attached for Additional Defendants)

County of Residence of First Listed Defendant Monmouth
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business in This State | ☒ 4 | ☒ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	TORRETIOR/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Sections 1983 & 1985

Brief description of cause:

This suit seeks redress for violation of civil rights and pendent state law claims

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS IN EXCESS
of \$1 Million

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OR RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Additional Defendants

MAYOR PAUL J. SMITH

Individually and in his capacity as the
Mayor of the Borough of Union Beach

650 Poole Avenue

Union Beach, NJ 07735

and

POLICE CHIEF CHARLES ERVIN

Individually and in his capacity as acting
Police Chief for the Union Beach Police Department

650 Poole Avenue

Union Beach, NJ 07735

MINUTES

Borough Special Council Meeting
Borough of Union Beach
Thursday, June 30, 2016 - 8:00 p.m.
Council Meeting Room, Municipal Building 660 Poole
Avenue, Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at 8:00 P.M.

SALUTE TO FLAG: Mayor Smith leads salute to flag

ANNOUNCEMENT: By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

SUNSHINE LAW NOTICE: Announced by Clerk.

Adequate notice has been given to the public and press on the date, time and place of this special meeting, in accordance with P.L. 1975, chapter 231, "open public meetings act." Clerk did advertise in the Asbury Park Press issue June 17, 2016, on Borough Website and on the Bulletin Boards at the Borough Hall as is customary.

ROLL CALL: Council Members

Mr. Parrilla
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

Mayor Paul J. Smith, Jr.
John T. Lane, Jr. Borough Attorney
Anne Marie Frisela, Borough Clerk

Mayor Smith announces that our Administrator is on vacation tonight.

ATTORNEY John T. Lane, Jr. ANNOUNCEMENT: PURPOSE OF SPECIAL MEETING: ATTN:

Mr. Lane states that the principal reason tonight is the renewal of the License for the Union Beach Social Restaurant and Bar for the period of July 1 through June 30th. We will have the Public Portion now to hear from members of the public. He announces that the applicant (Mr. Plinio) is here tonight. Mr. Lane asks Mr. Plinio if he would like to answer things one at a time as the allegations are made.

Mr. Tom Plinio: Whatever you think is easier for you (the Council)

Mr. Lane: It is harder to remember as each person says something. It is harder for you (Mr. Plinio) to remember back what the people just said.

Mr. Plinio: He will answer each one.

Mayor Smith: Asks Mr. Plinio to sit up front then so we will need you to be on the microphone and on tape.

Mayor Smith: Opens Meeting for Public Comment.

MEETING OPEN FOR PUBLIC DISCUSSION: (DISCUSSION OPEN TO ITEMS ON AGENDA ONLY)

PUBLIC PORTION:

Meeting opens for Public Discussion at 8:03 p.m.

Ms. Rosemarie Zerrillo, 712 Cambridge Avenue: Ms. Zerrillo questions the procedure of the public portion. Should she direct her questions to Mr. Plinio or just state the complaints.

Mayor Smith: Direct them to us.

Mr. Lane: You generally will be making statements of fact, of things you observed and why you think the license shouldn't be renewed or why you think it should be renewed with special conditions. These are the two choices.

Ms. Zerrillo: Well, she is not looking to kill the license. She understands that Tom (Plinio) is a businessman and she had a dell once too, but there definitely has to be provisions. There is a lot of things going on. People are leaving are very intoxicated to the point that they are urinating on people's lawns, vomiting on people's lawns. She has seen people hitting cars because they are drunk driving. She did not witness it, but she knows two people who had their cars hit and while going around passing flyers around the other day, a third person told her that she had seen it. She saw the person back into her car and she said the girl was drunk. She parks in her driveway now, not on the street on the weekends. The noise is very loud. The outside bar is a big issue with the whole town because no one was ever notified or given the opportunity to come down here and protest it being built. It was built. We had no choice and we are suffering the consequences, sometimes. It has calmed down since the last town meeting, but prior to that, it was until 2:30 in the morning. As it got later at night the people got louder. If you go by at 8, 9 or 10 o'clock, you can hear a pin drop. They start getting more drunk and louder. By 2:30 a.m. they are down the block, yelling to their friends. They are screaming and yelling. We can't open our windows. There is a whole bunch of complaints, but she is going to let other people speak and if anybody misses anything else that she has, then she will come back up.

ALL-STATE LEGAL®

EXHIBIT

1

Mr. Tom Plinio, Owner - UB Social Restaurant and Bar, 900 Union Avenue: States that he understands all Rosemarie's concerns, that is why he is here to take responsibility for that. As far as what people are doing walking on a lawn, he can't 100% control that. Can he control them drinking? Yes. He understands that. The last month he has changed staff, he has upped security, he is trying to dictate towards a mature crowd, ok so that doesn't you know have the 21 and 22 year olds that are probably the ones that are causing more of the problems here. (Inaudible interruption from member of audience.)

Mayor Smith announces that we need to speak one at a time because we are on tape.

Mr. Plinio: He is looking to be a neighbor with you guys. He is not looking to be a cowboy, or cause any problems with you guys if you know what I mean. Whatever you guys are looking to do, he is more than reaching out his hand right now to help everyone out - whatever you guys need from me- Okay.

Mayor Smith: Thank you.

Heather Jurato, 1004 Shore Road: She lives at the corner and believe it or not is a full block away and when she tells you she hears the conversations that include the cursing, and the drinking and she gets that it is a bar. First of all it was not an outdoor bar when she moved in, otherwise she would never have bought a family house. She also worries that she will never be able to resell it because who wants to buy a family house down the road from an open bar. Nobody, right. She is upset about that, but that is not your fault again, because you bought the premises. What she does question, and this is not directed towards you (Mr. Plinio) but she has not seen one permit and she knows if she added a bathroom on to her house, she would have people knocking on her door saying where are your permits for the plumbing. Where are your permits for this, that so she does not understand how you can build anything, especially a bar - that she questions the safety. If we have no permits so we don't know if it was inspected by a plumber, because there is plumbing, by an electrician, as there are TVs and speakers added outside? She feels that this is a huge mistake because whatever. She does not see any permits regarding any of those, so therefore she questions the safety. Does she have to worry about it sparking on fire? Do we have to worry about the bar collapsing? Do we have to worry about the plumbing stopping up and coming out on to the streets? What is going on with that? She does not understand how you can do that without any permits. No one has been able to produce not one permit for her. So, with that said..

Mayor Smith: states that he has never been asked about permits.

Ms. Jurato: States that she has come in and there is an OPRA request again in for the permits.

Mr. Lane: We went back and looked actually all the way back to 1998.

Ms. Jurato: She doesn't want 1998 she wants the permits that he should have submitted to do it in October.

Mr. Lane: This is exactly correct. We went all the way back to 1998 to see if it was replacing a previous existing one. There are no permits. He discussed this with the Construction Official and if he did not get by today he will be by in the near future.

Ms. Jurato: So if he does not have permits, shouldn't it be like a cease use of it? We don't know if it is safe or what is going to happen?

Mr. Lane: On a regular basis, we in home inspections at the time of sales, we find decks that don't have permits - swimming pools that don't have permits - a lot of additions that people put on without permits and we generally... some require Zoning Board Approval - some don't. We try to get compliance after the fact. He did ask Bob to go buy and he will go by to look at it to make sure that there is nothing unsafe right now and then go through the permitting process to take out the permits, check the inspections to make sure everything is done correctly and do that. He is going to check on all that, and although we are going to look into it, that would not be part of whether this license should or not be renewed or if special conditions should be added, that is just a matter of (he doesn't want to say a paperwork matter) but it is a matter to make sure that everything was done right. The pizza oven was done, there has been a lot of permits. He has pulled a lot of permits since 2015. Mr. Lane has counted six or seven, alarms, fire alarms, he just did not see any permits for that. He did ask about the bar and someone said maybe the outside bar had been temporary and had just been set up out there and to be taken down in the off season - it had come and gone and not been a permanent fixture like apparently it is today. This may be why in the past they did not get it permitted when it had been more of a transitory thing, a collapsible bar, they put a field drain and they did not have water out there. This not impossible if they were serving just beer out there and serving other things. You can set up a soda station. You can do some things outside without.. the Board of Health would probably not be too happy about it. That would be a totally different set of inspections about food facilities without the right permits.

Ms. Jurato: She thinks the one thing that she heard him (Mr. Plinio) say is that he is looking to be a good neighbor and that is really what they are looking for because he didn't come in as a good neighbor. They are all willing to give him the benefit of the doubt and to work with him, but you are bringing in kids from other towns. Like she said, (Rosemarie) peeing, puking. She has a problem with the broken bottles, red bull bottles and the cigarette butts that her kids.. her

wonderful four year old is going to pick up on Sunday mornings. She is yelling at him, "Oh my God don't touch that - It is disgusting" and then she has to touch it. She knows that in the past there have been bar owners and actually at the end of the night scooped up not necessarily the urine and the puke, but the garbage that was left out. She is happy to hear that he (Mr. Plinio) is looking to be a good neighbor because it is absolutely their goal as well is to be a good neighbor to him (Mr. Plinio) as well but she can tell him right now that she has called the Police on Tuesday night because at 10:45 p.m. she could hear the conversations coming from his bar. She wants to go to bed. She doesn't think that during the week nights people screaming and hooting and hollering outside on a bar and then the dispatcher acts surprised as if you were supposed to be closing it - because there is a rumor going around that you had said that you were going to close the bar during the week at 10 p.m. and on weeknights at 11. That would definitely be a good neighbor because she thinks that the majority of the phone calls are around the sound. The other things, she understand. She wants him (Mr. Plinio) to understand that they get what can be put on as provisions and they get the law and right we can't ask you to come around and pick up all the garbage, we can't make you ask your people to be quiet, but is just part of being a good neighbor and she can tell you right now when we are pulling down our block and coming here she stopped at the corner of your bar and the staff was so loud and she was just talking. She wasn't yelling, she wasn't mad. This makes her think of his staff, so it all trickles down, right so if the person in charge is kind of saying guys we got neighbors. She works in Hoboken, there are signs everywhere, "Be good to our neighbors" we have neighbors out here, if you are out for a smoke, keep your voices down. This is what we are looking for from you (Mr. Plinio). To set the example, to come out and around 11 p.m. not necessarily close the bar, although that is what we would like, but just come out and say "guys you got to keep it down, we have families, we have neighbors" like that is just as important and then we will come to your establishment. She has not stepped foot in his establishment and she won't until she knows that he will be a good neighbor.

Mayor Smith and Councilman Wick: Thank you Heather.

Mr. Tom Plinio to Heather Jurato: - If I miss something you asked, just let me know. The permits, he pulled all permits, he offers them to the Attorney (John Lane). John does not take them, John says he has the list of them. Mr. Plinio states that he has all permits approved, electrical, plumbing, building. Everything was approved. He has the application.

Mr. Lane: Is this from today?

Mr. Plinio: No, this is from before he opened up. T

Mr. Lane: Is this for the bar?

Mr. Plinio: This is for everything inside what he.

Mr. Lane: No, for the outside bar?

Mr. Plinio: Outside bar - everything was approved. Yes it is here. He is still in continuation with the Building Department right now if anything else needs to be updated. He is more than willing let them come in and whatever needs to be updated, he will do. As far as the outside bar, that was there and permitted before he was there. He does not know if she used it like he did, you know what he means. He has his application here which is permitted adjacent to the building along with the drawing that he has. He doesn't know if we (Council) needs that but he is sure it was submitted with the ABC License. As far as anything with fire, plumbing or anything like that, he is fully covered with insurance. He has a copy of this for Council too. As far as the people talking and being louder, he does go out there. He does talk to them. He tells them to lower their voices. He really can't control them. After it happens, he does go and do that as much as he possibly can. As far as people dropping beer bottles or whatever the case may be, he has no problem sending someone down to clean your block. This does not bother him. He will come do it himself. This is the extent he is looking to do with you people. He is not trying to be any kind of tough guy or thinks he is better than you guys just because he owns a business. He is looking for all you guys to come in. This is the first thing. He is extending his open hand again to you guys. He apologizes for any problems that he has caused. He just hopes we can turn the page on that and go forward from here.

Councilman Jeff Williams: Asks Tom Plinio regarding the beer bottles. He does not believe people should be leaving his establishment with alcohol to begin with so again he doesn't know what you see. He is just pointing it out. This is one of the measures he thinks should be taken anyway.

Mr. Tom Plinio: You know Jeff what it is the pre-gaming. People come and drink before they come. There is no one that leaves his establishment with a beer bottle. That is 100%. He is at the door himself six or seven nights a week, ok. He knows that he will lose his liquor license with any underage or someone walking out with a beer bottle.

Councilman Williams: Oh absolutely, he understands.

Mr. Plinio: I have been in this business for 25 years. He is not new to the business. He is new to (Council) he understands that but he has been in this business long enough that he knows if someone walks out there with a beer bottle or someone walks in that is 20 years old, he has no shot - or someone is leaving the establishment drunk. He does his best to do that. He pays for taxis, ubers, he lines everyone up on the side to see if anyone needs a taxi. Trust

him if you were to come in, you would see how he operates. He understands that you are just hearing noise and people leaving or coming before that. He wishes that he could control people's actions. He really cannot do that at all the time. Leaving his establishment, yes this is his problem. He makes sure that they get in their cars safe and if you saw the way he does it, you would understand it. He has even gone to the extent of hiring his staff. There is three retired Police Officers on his staff. He understood he made a mistake maybe there is younger crowd that is coming in than you guys wanted or the town, even to be honest himself. So he is moving towards a more mature crowd. He doesn't mean to repeat himself but this is what he is looking to do.

Councilman Williams: Thanks Tom, he just wanted to address that issue.

Attorney: What is the day of the permits for the outside bar, electrical and plumbing?

Mr. Pilino: Building approval is 10/20/15.

Attorney: The list he was given says changed windows, sheetrock, floor tile, bar top.

Mr. Pilino: What is that for?

Attorney: We have permits on file since 1993. 1993, 1996, 1999, 2006, 2008, 2012, 2013, and seven since 2015. Demo two walls, remove carpeting and flooring, update inside bar electric and kitchen, new gas line for pizza oven, build roof over existing patio, change windows, sheetrock floor tile and bar top, install new kitchen and exhaust hood. These are all the permits we have. Now is that all?

Mr. Pilino: There are still permits that are being updated. He spoke to the Building Department this week, maybe that is one of them that is on there. He would be lying to say he knows exactly what one says right now because he only has the approvals right here.

Attorney: you have a 10/16/15 approval to change the windows, sheetrock, floor tile and bar top. Again, this is not part of this process, but he (attorney) just wants to make sure that the electrical is right because of ground fault and water outside that is properly connected to the sewer system because of the possibility of backups and things like that and that the water is potable and that there is no backup and that there are valves on it.

Mr. Pilino: He has a plumber on hand who works with him every month and comes in. He does not need backups in his business. That would look bad anyway and he wouldn't want it going on the street. This is ten times worse.

Attorney: Sometimes people put in outside drains and put the bar over it then they stick the pipes into the outside drain. He has seen that a couple of times.

Mr. Pilino: To be honest with you, most of what he is selling out there is cans and anything else like a drink of Jack and Coke it is in a plastic cup. Everything goes into the garbage so there is not that much plumbing there and the electric that he uses there was already established in the building, but he has been in touch with the Building Department because he knows that this is a concern with the Council and the neighbors that anything that needs updating, he will make sure it is pinpoint.

Attorney: Good that is what I asked you just to do. This is what I didn't see. Everything else looks fine and he recognizes that most of the burglar alarms, this is all fine but he wants to make sure that the outside was done and permitted that is all - Thanks.

Ms. Heather Iurato - promises not to hog it - she promises. She just has a very direct question: Did you tell some people in town that you were going to be closing the outdoor bar at 10 p.m. on the weekdays and 11 p.m. on the weeknights?

Mr. Pilino: No I did not.

Ms. Iurato: Ok

Mayor Smith: Anyone else wishing to be heard?

Mr. Vito Zeirillo, 712 Cambridge Avenue: On this note, even if you did agree to close the bar down at 10 p.m. during the week and 11 p.m. on the weekends, his opinion is that it would not make any difference unless there is some policing of the folks that are going to be going back out there under the premise that they are going to be smoking and bringing their drinks out there and now we have a gathering of 15-20 people smoking and drinking out there anyway. It is more of a comment to you (Mr. Pilino).

Mr. Pilino: You are 100% right.

Mr. Zerrillo: I understand that you are a businessman. He was a businessman also. He owned a deli and a couple of other businesses so he knows it is tough to run a business; without having us (residents) coming down here and try to beat you up. We are not trying to beat you up. We want to be good neighbors also. His other neighbor who is not here Steve Spielman. When you said before that no liquor or bottles or cans leave your premise this is another thing that is hard for you to police. He was a young guy once too. He would walk out of a bar with a bottle under his coat or shirt and walk down the block. He did witness a few things that were very troublesome. One of them was the night that there was a big ruckus, St. Patty's Day, that week, two people walked down the street and threw cans of beer on his property and he turned around and he asked them (in maybe not such a nice way because he was upset) to remove them. They turned around and said, FU and called him a white piece of trash. Just recently, around 1:30 a.m. he was walking past his office to his bedroom and he looked out the window and saw a few young men walking up and down the block, (men of color) and he decided to stand by the window and just watch because he was starting to get a little worried that something was going to happen. Well something did happen -- they went right next door to his neighbors. This young man and he punched her rear window. Next thing he knows, they are down block yelling and screaming. No one is coming out of the bar. No body is saying anything. As a matter of fact, he hates to say this but there was a cop there who left and came back and still if went on and on. As a matter of fact, that night some young people (ladies) who actually called these three men of color a very derogatory name which he found offensive because we don't like to promote that in any town but so his whole point is that we want to be good neighbors but we also want some type of security outside when people are leaving because this is when all this stuff is happening. It is always at that time and the tournaments that you are running down there -- the other day, he doesn't know whether it was a poker tournament or pong. "I am winning -- I am winning!" This is at 9:30 at night and he hears that clear. So, he just wants to bring it to Mr. Plinio's attention. Maybe you are not hearing it the way we are. We are accustomed to a nice, quiet neighborhood. When Stevie (Gross) was running his business it was fairly quiet. We had some issues and we came down here and Steve addressed these issues which at that time were beer cans and stuff like that going on. Steve addressed these issues. When they took it over, there was other issues with Nate (Chadwick) He doesn't want that to happen with Mr. Plinio either. He doesn't want the kind of issues and the kind of crowd that he attracted to come to our neighborhood. We are a family neighborhood and that is what we want it to remain as. That is it.

Mayor Smith: Thank you.

Mr. Plinio: He understands his concerns about someone in front of someone's house, someone punching a window out, yeah he wasn't there to witness that. He wishes he could take responsibility for that but he can't. Like he said before, not to repeat himself but that clientele he has totally moved away from them. Be rest assured that is what he is doing, OK. He spoke to the town and they said in the last month or so, 25 days, you guys have not called as much. He understands that. He is trying to work hard in hand with his staff and bring in a better customer base for both of us. As far as anything else that you are looking to do or you personally, if you want to come knock on my door, come knock on my door this is what he is trying to do here. He feels like he is repeating himself but he thinks this is the best way it is to do. We interlock. He is not perfect, not even close to that. You understand being a business owner and a businessman, some things are out of your hand sometimes. You can't fully control everything. He wishes he could. He probably wouldn't be in front us right now. He would probably be in Atlantic City winning money or something if he knew what another human being was going to do, but as far as the Police, he has had meetings with them. They could come sit in the parking lot. That would not bother him, because that keeps away any problems or certain clientele that you don't want or he doesn't want. He is all for that. This doesn't bother him at all. Is there anything that they missed? He doesn't know because they are really good Police Department as far as he knows. They are really helpful people to him. If there is something that maybe you guys saw, and maybe you should call at that point. He doesn't know. He is not here to tell them that they did something wrong or did something right. They are great to him and they are there for you guys obviously because they come by to him and always check up. Hey listen someone called! So as far as that goes if you need some help from him personally, he can do that. As far as telling them how to do their job, he can't do that.

Mr. Zerrillo: He wants to bring one other thing to the attention of the Council as well as to Mr. Plinio. A few of them have taken measures to protect their property. He has installed security cameras. Another neighbor whose husband is an electrician and has installed very sophisticated security camera system, much more sophisticated than his, but he feels that he has lived here for 31 years and never had to do this before, never had to worry about it. He now has to worry about it. You are right -- this last month things have calmed down. The parking has gotten better and we could all complain about the parking, but it is public. He gets upset when his wife can't park in front of the house when she is coming back from her meetings at the VFV in the area at 11:30 or 12 at night and there is no place for her to park and she has to park around the corner. He feels like he is back in Brooklyn, like alternate side of the street parking again. He just wanted to bring to your attention that we do have people on the block that do have security cameras now and they do monitor them now.

Eileen León, 708 Cambridge Avenue: She does not have that much of a complaint, she just wants him (Mr. Plinio) to have respect for the neighborhood. Bring the people in after a certain time. Don't have them outside. When she was hanging out in Stevie G's, Stevie G told them to go home when they were loud. All you have to do is bring them in. She gets home at 11:45. She works in the morning part time in a restaurant in South Amboy until 1 p.m. At 2 she is with adults with disabilities until 11:45. When she gets home she doesn't want to hear anymore yelling, screaming and carrying on from normal people. Just bring them in. You can close it and bring them in. Thank you.

Mr. Plinio: As far as when Stevie (Gross) had it you were able to smoke inside. This is more than half of his battle. The people smoking outside. They passed a law. He has to let them outside. He will do a better job of trying to control their

NO police report
on her car mirror

Never happened

Mr Zerrillo
is in 3 places
at once.

voices for you. If he lived down the block, he wouldn't want to hear it either too. He understand that. He is totally with you guys, but as he said earlier he cannot control. After they scream and yell he tells them, "Please lower your voice" he does do that every night. Trust him. You may not believe it but that is what he does because he does not want someone just calling up and then the cops come by and it is another flic against his license. He fully understands that. Anyone who calls, whether it is a true complaint or not, it is a hit against his license and that hurts him every year. He has to come in front of you guys (Council) and do this. He does not want to have to keep doing this. Hopefully, by next year or next week, or a month from now, this is all solved. He doesn't want to keep having to come in front of you guys. He wants to have you guys come into his bar and have a drink or a pizza or your family coming in. There is a lot of things that he has done for the town when the people come in whether it is cancer benefits, Memorial school the high school that you probably don't see. He is not here to raise a flag saying that he is the greatest guy in the world, but anybody that comes to him for a donation or for his time, he does do it. He is investing in this town. He is not just looking to do a one hit wonder here. He has invested a lot of time and money. He has a 3 year old kid and a 2 year old kid so he needs to make his living here. He is not looking to do a hit and run and make his money within one year. It will take him 10 years to make money here. He understands that. This is why he came here. He came here because he feels like he fits in with you guys. He is a blue collar guy. This is the family he comes from. Police and Fireman. You guys work hard. You don't make that much money but you work hard and give the best you can. This is why he feels he fits in with us. Maybe or obviously, it hasn't worked out exactly pinpoint like we both wanted it to, but he is trying to work towards that.

Mayor Smith: Thank you.

Mrs. Jolene Buckalo: She does not live in the area of the bar, but has issues with the bar. One of the issues she has (addresses the Council) is that she would like to know how an outside bar was put without a variance going on and she does understand the rumor is that commercial property does not have to get a variance. It doesn't have to be approved. She lives in this town. She had to get two variances and neither one of them was for the building she was putting up. Simply because the structure of her original home was less than 25 feet from the sidewalk and yet this restaurant or bar as you want to put it, put on a complete bar outside with entertainment. This is offensive to the residents of the town who had to do otherwise, OK. The second point that she has for you, "why do my Police Department (that her tax dollars pay) have to go monitor his bar. That should be up to his responsibility, not the tax payers of Union Beach". The other issue she has coming home at 11:30 at night there is a bunch of drunks walking down the street. If they fall into her car and she hits them, who is liable, she is. She thinks that the town has lost concept. The bar does not belong outside period if you like it or not. It is a residential area. We have children. You walk your children on a Saturday. There is a game going on. They are cursing. Her children shouldn't have to hear profanity walking down a public sidewalk from a bar. Now you can't say whatever you want and you can sit there and judge, but we live here in this town. This is our town. This is our tax dollars and you represent us the people, not a bar. You represent us and you should be making decisions based on what is benefit to us. Children should not have to hear profanity when out walking or riding their bike or rollerblading or taking a walk to the beach. She finds that personally offensive. She thinks you need to take a look at the overall pictures. She doesn't care what somebody does. It is what somebody doesn't do that affects everybody else. You need to look at the overall picture. Thank you.

Mayor Smith: Thank you.

Mr. Plinio: He pays tax dollars here too. He is a business owner in town and they are also his Councilmen and Councilwomen and Mayor Smith is also his Mayor. So as far as that, it is not just one voice that carries the whole herd here, that is not how it goes. He also has a voice as a business owner here. He came to this town when almost no one wanted to open a business here. He did that. He is making the town better - believe it or not. Is there bumps in the road? Absolutely, no doubt about it but as far as tax-wise, he pays taxes and they also should represent him because he is a business owner of this town.

Mayor Smith: Thank you.

Steven Gross, Keyport: He used to run Sievia G's from 1993-2006. Actually, when the smoking stopped in town, when you couldn't smoke in the bar anymore, it was actually, he could have saved some years on his life, but he said to watch that, people would go out. "You have a couple of doors. They would go out here to smoke, they would go out here. So you are going to hear voices. It could cause a problem and you can't have a security guy following every person. He was actually at the same meeting in 1993. Carmen Stoppiello and Hank Reigler. They actually had the meeting in the Police Station. This meeting is a good thing. They resolved a lot of things, right. He has been working with Tommy (Plinio) for over a year now. Anything he has asked of him or he has asked for - he is easy to work with. So, he thinks this could go a long way. He and his wife were nervous when they came to the meeting (in 1993). Just him and his wife and all the neighbors. His wife thought they were going to lynch them. After they left everyone shook hands and it was nice and he hopes this works out the same way.

Mayor Smith: Thank you.

Mark Waller, 804 Cambridge Avenue: He lives in the dead end off Shore Road. It has calmed down in the past month or so he would say. The biggest complaints that he has is really the noise. His bedroom is right facing Cambridge Avenue. He has been woken up multiple times like at 2 in the morning, 1 in the morning. It is not just the weekend. Football season is Thursday night football, Monday night football. It is the weekend. The parking has been a problem. He has

spoken to someone in the town and he knows that they plan on extending the no parking on one side. This is great. They have had fights on their street. His daughter comes home from work sometimes around midnight, can't find a parking spot. This might be alleviated, it might not because now everybody is just going to park on one side. Her car was almost hit. There was some activity, a fight and people were leaving frantically, making U-turns and the Police running. Sometimes they are there. Sometimes they are not. It is really getting sort of annoying to keep calling the Police at 10:30 - "correct me if I am wrong - there is also a noise ordinance in the town" This does not get enforced. As far as he is concerned, most of the problems are from 10 p.m. to 2 a.m. really. He does not want to - he is sort of piggy-backing on a lot of stuff that Heather said mostly, but as a tax payer, and he also has young children. He has an autistic child. It is just to be woken up multiple times because of a business up the street which wasn't there when he moved in is a little hard to take.

Mike Wetherholt, 709 Cambridge Avenue: It has gotten better but there is a lot of profanity that his son and he has to listen to at night. It does get very loud. It got better, but he does not know if it is going to last. This is what he is afraid of too. He actually found bottles in his yard - not recently, but he did find bottles. He did call the Police one time on a vodka bottle that he had found next to his back door. A quart of vodka with vodka still left in it. His little boy picked it up. He doesn't know what it is. He could think it is water. What would he do if he took a swig of it? He is in trouble. It has gotten better but he profanity late at night. It is hard to sleep, you don't want to hear it. You don't want to open your back door and listen to it. That is all he has.

Mayor Smith: Thank you.

Mrs. Zarrillo, 712 Cambridge Avenue: She asks Tommy (Flinio) about when she saw him building the bar, she had gone down and asked him she was a little concerned that now we were increasing the occupancy and it was a very small parking lot. She states that he told her that he was rented two spots in town and you were going to have valet parking. At the time when she walked away to be honest she just said this guy is full of crap because there is no spots in town that can be rented. She felt that she was being bulldozed or whatever but he did have valet parking for two weeks and then that was gone. One of her suggestions was that she understands that they are going to park on the street, because he does not have enough spots, maybe you can have a valet guy park the cars on the streets. She doesn't know but maybe he would have to write it down to remember where they are, but it would alleviate the people from going down and screaming and yelling if somebody did that. That might solve at least the noise at 2 a.m. when they are going to the cars. If we could have one person do that. Honestly, she is a little concerned about the bands. This also we did not have any of these questions at first because it was proposed to be a family restaurant. Which we thought we were going to get. She hasn't been in there, but on the website she hasn't even seen an entrée on the menu. It is just finger foods. So it is 100% a bar. But like she said. She hasn't gone in there either, and she would like to go. She feels like she should definitely be supporting a business. God knows she is involved in the VFW and she is always looking for donations. So, she will go in there to looking for that. They are willing to work with him too and maybe she thought that is what we were going to do. Give suggestions and work out what he will do for them rather than just say the complaints again because they were here last month doing that. She hopes that they can work all these things out and they do want to be his friend and neighbor.

Attorney John T. Lane, Jr.: The problem is that if we pass a Resolution with Special Conditions, this is the transcript that the Commissioner, ABC reviews. This is why even though people said during other months, it is at the ABC Hearing that has to be said. Then he takes in what he hears tonight, the comments that are made and it is based upon this record. He looks at if the conditions are reasonable, aren't they reasonable? If they are appealed, do they get stayed? So that is why everybody not repeating the same comments, you have the right to, but... we want to get to the second part of it which is if there are things we can do ameliorate the problems and that would be the special conditions we would put on the license. How do we eliminate the friction? With conditions. If you violate the conditions, then there are ABC violations.

Mayor Smith: Anyone else wishing to be heard. If you want to speak you must come to the microphone, please.

Mrs. Buckalo, 716 Park Avenue: If you want to make provision, why don't you just get rid of the outside bar? If they want to go outside to have a cigarette, that is one thing but if you are serving liquor outside and you have music going on outside, then you are inviting the noise outside. If you want to go out and have a cigarette, go out and have a cigarette come back in and party, but keep the noise inside. The one way you can eliminate the noise is not to have a bar outside. It is supposed to be a family neighborhood. She does not want to hear profanity when she is walking her children. She is sorry. So the problem when she sits here and listens is the noise outside and the bar outside. Make it go inside. This is not the boardwalk. This is a residential area. You want to make provisions - that is her suggestions - make that one - no outside bar. You say well people want to smoke, well go outside and have a cigarette. She has many friends who smoke. You can't smoke in a restaurant. They go outside and have a cigarette. You don't party outside. You have a cigarette. So if you want to make provisions that is her suggestion. That is your provision. No outside bar. You have running water outside, taps everything going on out there. Where is the variance for all of that? Anybody have an answer?

Attorney John T. Lane, Jr.: The ABC portion is not a zoning and planning portion.

Mrs. Buckalo: Ok, but this comes back to Town Council. How was that approved?

Mayor Smith: It was approved by our Construction Official, not Council. We do not get involved in these things.

Mrs. Buckalo: How could you not get involved in these things if effects the residents?

Mayor Smith: Because it is not our job.

Mrs. Buckalo: It still affects us. We are all here because it wasn't your job.

Mayor Smith: He understands that it affects you, but we don't tell people how to build their homes and businesses. This is not our profession. He is not qualified to tell them.

Mrs. Buckalo: But the problem is that it still came back to you.

Councilwoman Roche: The outside patio was always there. This was not added on.

Mrs. Buckalo: It wasn't a bar.

Councilwoman Roche: All he (Mr. Piliro) did was put the overhang on.

Mrs. Buckalo: It was never a bar.

Councilwoman Roche: But he did need a variance to do that.

Mrs. Buckalo: But it wasn't a bar.

Attorney: There was not the bar that exists today. There has been drawings that have some sort of a bar outside whether it was portable, whether it was permanent...

Mrs. Buckalo: but that is a permanent bar -- that is a big bar -- have you seen it!!!

Attorney: he has not personally directly seen it but he has been advised that it is a substantial structure.

Mr. Zerillo: 712 Cambridge Avenue. He takes offense to that because he has been living here 30 years and has never seen an outside bar there, portable or otherwise. So, this is totally a fabrication or just mistaken. You are highly mistaken sir.

Attorney: Ok, so you say there is no bar outside.

Mr. Zerillo: There has never been a bar outside, ever. It used to be a dell outside when he moved in. As a matter of fact he tells a story...

Attorney: Has there been a bar there since 1993?

Mr. Zerillo: Yes

Mayor Smith: Yes, longer than that.

Mr. Zerillo: Yes there has been a bar there inside -- not outside. We are talking about the outside bar.

Attorney: One of the former owners is here.

Mr. Zerillo: Steve G never had an outside bar.

Steven Gross: Attorney asks Steve is there has ever been an outside bar? Steve answers that he just did some things outside like tailgate parties and stuff like that.

Mr. Zerillo: on occasion, yes.

Attorney: you just set up like a portable bar outside?

Steven Gross: When Gigi came in she had outside, but it was all tables.

Mr. Zerillo: All tables, restaurant, serving food. The footprint of that was half the size of what we have now. So he does take offense to being told that there has been a bar there and all this gentleman did was put in an overhang. He is not

blaming Mr. Piliro. The woman that was up here before has a good point. Everyone on this Council is responsible for what goes on in this town. Whether you have a direct influence on what is being built or not. You represent us.

Mayor Smith: Absolutely.

Mr. Zerrillo: you are also representing him. That is all he has to say but that just made him very angry, sir.

Daniel Iurato, 1004 Shore Road: He just wants to point out a few things as far as safety is concerned. Right off the bat that whole area is not well lit. You really can't see much two maybe three houses down. So this is a safety issue right there. He knows it has nothing to do with you guys.

Mayor Smith: Well, this is something we could look into with Jersey Central.

Mr. Iurato: continues that when you had families living there it was not much of an issue, now you have drunken, belligerent people throwing their bottles, pissing on our lawns, it is ridiculous. Now forget about safety. Safety is out of the window, forget about the lighting because now you have belligerent people punching on windows and cars and using the lawns as a bathroom. Sorry for his language.

Attorney: We will clean it up.

Mr. Iurato: His next door neighbor shares the corner with them. Someone dropped trout on their lawn. Not only that, turn around when our neighbor opened up the window and asked what are you guys doing? They turned around and yelled out profanely to our neighbor. What is this? What kind of crowd do we have coming to this bar? This is tile concern. He has a four year old that comes into our bed. His four year old maybe three or four times during the last couple of weeks climbed into our bed. He says to them "is it the bar again?" He can record it for Council if they want to hear it.

Mayor Smith: He believes him.

Mr. Iurato: at 1 a.m. he comes into our bed. What does he say to that? Oh, don't worry about it buddy. We are going to be moving in about two months. Do I want to say that to my kids? To my wife? We have been living there for seven years. We want to make it a forever home. He knows that Mr. Piliro is busy and he respects that, but they want to be his neighbor as well. We thought when we saw it was going to be a pizza bar and family restaurant, we could walk to your place. Are we going to do that? No. Thank you.

Mr. Zerrillo, 712 Cambridge Avenue: shows photo's of Jake-a-Bobs Bay right after Sandy. He doesn't know why it didn't make it. He feels she has a much nicer place now. She has a nice beachfront area. Please take a look at the photos. This is UB Social under construction. Does that look like the same footprint to you?

Mayor Smith: No it doesn't.

Mr. Zerrillo: no it is not the same footprint. Here is UB Social 4 days ago. Completed. Does he make his point sir? There hasn't been an outside bar there ever, except when Stevie had special occasions. We never busted his chops about that. We never would have.

Attorney: I understand.

Mr. Zerrillo: Does not want the photos back -- he has plenty of them.

Mr. Piliro: Responds that the footprint is exactly the same. He did not expand anything outside at all. It is the same exact white fence, the same exact railing fence and the same exact railing fence curves around the corner. He did not expand any part of that building at all. He did construction inside. As far as a restaurant, it is a restaurant. You can bring your kids. There are a lot of kids that come because people come for the pizza. At night does it turn to a bar? A Sports Bar, absolutely. At times people do raise their voices. He can't help it. If Frank Warner hits a home run in the 9th inning and everyone is cheering because the Yankees won the game and he is kind of cheering with them too, he can't control that either, but on top of the building it says Pizza, Sports Bar. Someone told him that it has been a bar for about 70 years now, it has not just been a restaurant. It has also been a bar. No offense to Mr. Zerrillo.

Mr. Zerrillo: No, it has always been a bar.

Mr. Piliro: As far as the parking, he remembers meeting Mrs. Zerrillo that day, he tried to get other lots in town but they were not available to him. He is not lying to you. As far as valet parking it did work for him for a little while, then also people had rumblings about that too. They said he was parking too many cars in there. So he could try to push more people towards past the pizzeria over there to the right where there is more public parking. He could maybe do something with that to help you guys along the way. It wouldn't even bother him if you put one side or no side parking in

front of your houses that is fine with him. He is more than willing to concede that. He understands that. You come home from work and you want your own parking spot. He certainly does at his house. He lives on a busy road himself.

Steve Gross, Keyport: He can clear up the footprint. He actual put up the fenced up area and he took permits out for that with the Building Department. So, he can see where that happened. He did it in between and there are permits out for that with the building Department.

Mr. John McDonald, 704 Cambridge Avenue: His biggest problem is the parking. The house he lives in has no driveway. His wife and he both have vehicles and they live right across from the Bar. He asks if there is any way the Council could put residential only parking on one side of the street. You are talking about putting signs up to have parking on one side. That would make less parking. If you put up signs for resident parking only on one side of the street maybe that would alleviate the parking situation.

Mayor Smith: We will have our Police Department look into that. Thank you.

Steve Gross, Keyport: He states that he is kind of responsible for the parking because people were complaining that there were too many cars parked on the road and they were having trouble getting out of their driveways so they passed the Ordinance in the mid-1900's.

Mayor Smith: Perfect, and he likes how Steve take the blame.

Heather Jurato, 1004 Shore Road: We are here to talk about the provisions and her husband got up to talk about the safety. They are looking for more than just the Police presence that is already going around the streets and just patrolling. For her personally (obviously because it is all about her) she would love someone at the corner of Cambridge and Shore where they are having a lot of issues with people leaving the bar and hanging out on the corner because it is dim and then when she puts on her light it kind of shoos them away. She has been woken up on numerous occasions where people are smoking and hanging out. They turn their cars on so that they can play their music and hang out and smoke their cigarettes and by the time she calls the police and they come out they have usually shot away because she has her light on and is looking out the window. So to have a Police presence that is not paid for by our tax dollars, some type of security. She has seen his security guard hanging out at 2 in the morning with some girls in front. She does not think a security guard is what we need either. She thinks what we need is people that are positioned appropriately. People sitting in front of the bar chatting with girls and people that are coming out is not appropriate. We need people who are out on the streets. This might actually help the garbage situation, it might help the puking and peeing situation, might help the du situation. People getting hit by cars that they are concerned about because it becomes our fault if we hit them. More importantly, it makes us feel safe. She already told us that her house has been broken into and both her cars have been broken into and she has only lived here seven years. Safety is of the utmost importance to her. We have people who are putting in cameras after living here for 30 years. We have had a stabbing there whether anyone wants to admit it or not on St. Patty's Day. We have the fights that are going on. She was talking to one of the neighbors while she was giving out the flyers whose daughter is a police officer (not to throw anyone under the bus) and she said that there are fights here all the time. Well, we know this. Everyone knows. She is actually really disappointed that you guys (Council) don't even know or have not been to see this establishment.

Councilwoman Roche: I have been there.

Councilman Couazza: We are well aware of it.

Mayor Smith: We were told to wait until after this meeting to go there so that we would be able to vote on it.

Ms. Jurato: With that said, we are really looking at the safety concern. We are here to talk about the provisions. She has already voiced a lot of her concerns regarding the other things that are happening but she definitely thinks that a provision that needs to be put on is some type of presence there, by not so much as a security guard, by some type of Policing staff that again that does not come out of our tax dollars. She knows that we have also talked about the lighting because one of the things that we have mentioned is that there is no lighting and they come and she does not know why they even have to leave the bar, but they do and they hang out right at the corner of Shore Road and Cambridge Avenue and they smoke their whatever they are smoking and sometimes they have drinks with them. She is not necessarily saying that they are getting them from the bar because back in the day you pre-game before you come out. She thinks that the biggest issue is that you are not getting anyone there before 11 p.m. It is 11 p.m., you are getting the kids that have already pre-gamed. She knows that he said that he is trying to change that crowd, but actions speak louder than words. We all know that, so we feel like the last month has been better and we are very pleased with that. She wouldn't say great but better. We would like to know that we are also safe. She feels that is of the utmost importance to everyone. She is hoping that we can at least put a provision on that is going to help us with that place of it.

With no one else appearing to be heard, Mayor Smith closes the meeting to the public at 8:59 p.m.

Attorney, John T. Lahe, Jr.: Based upon past comments, he has written down the four things that people have talked about. Closing times of the outside bar, special signage as people come and go, cameras inside and outside and a uniformed, off duty officer at the door during the times and dates and the time of year is what is left up in the air. He does

not think that this place is as busy all year round, but he does not live down the street and apologizes for that part. We have to look at that. Do you want to make the conditions year round, two nights, three nights per week - all are ideas?

Mayor Smith asks Attorney John T. Lane to read off the conditions:

- 1 - Outside bar would be required to close at 10 p.m. on weekdays - 11 p.m. on weekends.
- 2 - Special signage should be placed at the door reminding patrons that this bar has neighbors who live nearby and to be quiet while walking to your cars. Before you leave please use the restroom facilities. Please do not litter on the neighbor's lawns.
- 3 - At least 4 cameras, two inside and two outside, need to be installed within 30 days with video and audio recording and a 30 day retention which should allow for immediate viewing by Police if requested.
- 4 - There shall be a uniformed off-duty Police Officer at the door from 9:30 pm. Until 2:30 a.m. Friday and Saturday said Officer shall be secured through the Borough of Union Beach if possible.

Those of the four things he had written down based upon the past comments. He asks if anyone of the Council want to suggest any others.

Councilman Cocuzza: He does not want to suggest any others but he wishes to talk about condition number 3 regarding the cameras with the audio recording. He met with the Chief prior to tonight's meeting and spoke about some of the items discussed at the last Agenda Meeting. The Chief's concern regarding audio recordings was that it could be a problem.

Attorney John T. Lane, Jr.: It would be the bar owner's problem. He would have to post a sign that said, "by entering this premises, you consent to be video and audio taped. If you don't want to be audio and video taped, don't come in. Down south weapons are common but every place south of the Mason Dixon Line he has ever been to have the sign on the door that says, "by entering these premises, you consent to a search for weapons, just by walking through the door, Police or not Police. These signs are common. You would probably put the sign on the principle doorway entry. If they walk in and get recorded they were warned. They don't have to come in. Mostly the audio was suggested because of the noise. It is very difficult in a bar to pick up random conversations. It is more of sort of a hum or a buzz, unless someone is very close to one of the microphones and is very loud, it just tends to be a buzz. He put down both. If he Chief thinks the video is worthwhile without the audio he has no problem changing that.

Councilman Wick: asks what quality would be picked up on the Audio.

Attorney John T. Lane, Jr.: feels that it would be very limited, you know sound through.

Councilman Wick: Agrees.

Councilman Cocuzza: Addresses Chief Ervin and asks about if a situation were to occur and you were to have to review video tapes, would the audio help you at all?

Chief Charles Ervin: states that it is his understanding that under the wiring tapping law, we would not be able to use it. He knows what Mr. Cocuzza is saying though about entering a building, but if you are going to put audio on the outside of the building, but never go in, you can't record him because he wasn't notified. There is no reason to get into it. If it is mostly going to be screaming and yelling anyway it would be useless and then what do you do when it is pre-time before the crowd, are you recording the bartenders, owners, etc. He feels sound is a bad idea. He believes that Mr. Plinio already has cameras inside the building.

Mr. Plinio: States he has 9 or 10 cameras inside and outside. Union Beach Police had come to him looking for someone slashing tires and he had tried to pick it up on the cameras. Anytime they come around if they thought someone may have walked through the parking lot. Mr. Plinio has been more than helpful with the Police.

Attorney John T. Lane, Jr.: What is your retention on them?

Mr. Plinio: He believes it may be 24 or 48 hours.

Chief Ervin: - 30 days would be much better.

Mr. Plinio: OK

Attorney: you may just have to expand your memory.

Councilman Wick: So we are just asking Mr. Plinio to hold the recording for a longer period of time?

Councilman Williams: Regarding number 4 Uniformed off-Duty Police Officer. He believes it should be part of the provision that it is at the cost of the business owner, just so the residents understand.

Mayer Smith: That is what it is.

Attorney: That is what off duty. He speaks about a case in Spring Lake Heights and a bar called Spring Lake Manor where their parking lot backs up to a residential neighborhood. It backs up to highway 71 and after weddings it would get very noisy in the parking lot and they had to hire a Police Officer and Spring Lake is a fairly small department and when a lot of people had weddings in the summer is when the Police Department is stretched because in the summer you use all the full time and special officers and every officer available. They had to go well out of the area to find people to take the off duty work because nobody in the two or three towns in the area in the summer wanted to take the work, so we will start with Union Beach, but we only have 15 Officers now so he has to secure it through the police and pay for it at what he believes is a rate that is set by the Borough so they have workman's compensation and liability. It is approximately \$85.00 per hour for road work.

Councilman Ferrella: Questions the Borough Attorney, what kind of provisions are there if there is a problem with the provisions that we ask for being violated? What is the 1, 2, 3 steps.

Attorney John T. Lane, Jr.: It depends on how serious the violation. You start with a violation that is written up usually by the ABC Officer in town. Did he get this information from another Officer or himself; the owner is brought before the local ABC Board like we are here tonight and usually you start with days a business is closed. They can lose days of profit instead of a business being closed, they do a calculation for how much they make per day and they pay that in a fine for the days they are closed. He thinks Chadwick's before had a hanging open fine when it changed hands. It was approximately 45 or 48 days were unpaid when they left so it is incremental. It starts with a week, two weeks, a month, two months, three months, six months if it becomes problematic and very expensive as you go up and you get to reach a point of the license simply not being renewed because that owner has shown that he simply cannot control the facility then he would lose the right to renew the license and he would have to sell it. He doesn't know if Chadwick ever reached.

Clerk: They left with a 55-day suspension which was paid by the new owner Mr. Plinio.

Attorney John T. Lane, Jr.: Other places have been revoked. It is possible to be revoked, but it takes incremental discipline like civil service unless something very serious happens first, you don't usually go from first violation to closed. A pervasive pattern of drug dealing, drug use, severe violence in the bar, a lot of slabbings, and a lot of shootings that can get you closed down similarly and have their license revoked even during that year. There would have to be so many violations that would arise that would get them revoked. Then they can appeal that to Trenton.

Mayer: Well, the previous owner had a suspension hanging over his head when he closed, so when Tom (Plinio) took the place over the State made him pay in lieu of having him close for 60 days even though he had nothing to do with what happened to the previous owner. He bought the license, which had the suspension on it.

Attorney John T. Lane, Jr.: It does hang over the license that is why when you sell it a person cannot re-incorporate to try to avoid the fines and penalties being imposed. You have to be a new entity and you are responsible for the old entities fines.

Councilman Wick: Comments about condition one regarding the outside bar. Even if the bar was to close at a specific time at night, one of the reasons that they have the outside bar as Steve was saying too is for people to go out there and smoke. So even though they are still not serving alcohol, people are still going to take their drink out there and go have their cigarette. The noise factor really remains still even if the bar is closed. It may not be as great, but there is still going to be noise because people are still going to be out there talking and they are going to hang out there for a little while for their cigarette. His question is to Mr. Plinio "Is there another location, like maybe towards the back of the building, maybe off the street where you could have a smoking area? Would that help at all? His fear is that the noise problem is still going to persist even if the bar is closed down.

Mr. Plinio: The Union Beach Police came by the other night and asked to move everybody out of the bar area so he put everyone in the bar area and then they came back two minutes later saying that it was amplifying worse down the block. It is a very hard thing just for him to police. He is open to ideas. Stopping people from being loud and smoking. The main concern is the noise. He is here to take responsibility for that. There is no two ways about it. He is not trying to run away from it. He has tried moving the people.

Mrs. Zerrillo: She proposed that if they go out to smoke, no drinks should be allowed outside there. This way they won't linger. She was told by the Council that if you have permission to drink outside there on the premises, you can't impose a time limit legally, but maybe as the owner who is trying to work with us, you can impose it and say no drinking outside after those times. Smoke and go back in. You may get one or two sneaking in like they do under the coat, but you know at least you could say if someone is standing at the door, no, leave your drink, this might help. If their drink is in there getting warm, they are going to smoke and go back in otherwise they will have a cold beer outside.

Attorney John T. Lane, Jr.: We are going to answer number one, all alcoholic beverages should be inside only after the outside bar is closed. Is this the idea? It is 10 p.m. on weekdays and 11 p.m. on weekends.

Ms. Eileen Leon: If this is a restaurant and it is outside and it is drinking and eating on the patio are they supposed to be smoking?

Mayor: If they are outside, they are allowed to smoke.

Councilman Andreuzzi: Can the televisions be muted outside?

Mr. Plinio: They are muted. The only sound he has outside is overhead music and he can tone that down too after the bar is closed.

Attorney John T. Lane, Jr.: Should we add that too to number one?

Mr. Plinio: You guys are writing everything down right now it is still discussable? It is not 100%.

Attorney John T. Lane, Jr.: Once the conditions get put on this document they are passed and sent to Trenton and are forever and forever or next year you can come in and negotiate them again. You can appeal. Mr. Lane is not your lawyer, but you talk to your lawyer. What we do here is not permanent. You can appeal them.

Mr. Plinio: He has a right to look at what you guys are trying to implement on him. He needs a couple of days or weeks to at least look at this.

Attorney John T. Lane, Jr.: Do you want to close?

Mr. Plinio: You are hanging my Liquor License over me.

Attorney John T. Lane, Jr.: You are going to need an Add Interim License then to be opened until the time you need to look this over.

Mr. Plinio: It is June 30th the last hour of him trying to renew his license. He is happy we had this meeting we should have had it back in March maybe. You are holding my liquor license over my head right now. That is what you are doing.

Mayor Smith: Well the problem is we advertised to take business tonight so.

Attorney John T. Lane, Jr.: You can to an Ad Interim License tonight with no conditions, you can appeal it if you pass it tonight.

Mr. Plinio: States that he does not have endless pockets.

Mayor Smith: What is the pleasure up here?

Attorney John T. Lane, Jr.: discusses the change to number one which would now read the outside bar is required to close at 10 p.m. on weekday and 11 pm on weekends. All alcoholic beverages are to be inside only after the outside bar is closed. Outside music is to be turned off at same time. The signage in number two. The cameras are number three. The off-duty Police Officer is number four.

Mayor Smith asks for a Motion:

Motion to approve the above four conditions to the ABC License offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote

Ayes: Mr. Barrella* Mr. Wickl, Mr. Roche, Mr. Williams* Mr. Andreuzzi and Mr. Cocuzza
Nays: None
Absent: None
Abstain: None

*with the provisions.

Resolution No. 2016-123:JUNE 30, 2016AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2016-JUNE 30, 2017.

Be It Resolved, by the Mayor and Council of the Borough of Union Beach that Alcoholic Beverage Licenses be issued to the persons, associations and corporations set forth below for the premises indicated for the license period: July 1, 2016 and ending June 30, 2017 for which Tax Certificates have been received from the State Division of Taxation for each of the Licensees listed, and;

Be It further resolved, that the following Special Conditions be placed on said license for renewal:

1. The outside bar is required to close at 10 pm on weekdays and 11 pm on weekends. After these hours, all alcoholic beverages must remain inside. All outside music and audio and televisions must be turned off.
2. The Applicant must place a sign at each exit door containing the following language: This bar has neighbors who live nearby, you should be quiet while walking to your car. 2. Before you leave, please use our restroom facilities. 3. Please do not litter on our neighbors lawns
3. At least (4) Cameras (at least two inside and two outside) need to be installed within 30 days with video recording and a 30 day retention and shall allow for immediate viewing by the Police if requested.
4. There shall be a uniformed off-duty police officer outside the door from 9:30 P.M. until 2:30 A.M. Friday and Saturday. Said officer shall be secured through the Borough of Union Beach, if possible.

Be It further resolved, that the Municipal Clerk is hereby authorized and directed to sign and deliver the license certificates to the following licensees:

License No.	Name and Address of Licensee:
1350-33-011-007 MUN. LIC. C-2 (CONSUMPTION)	UNION BEACH SOCIAL RESTAURANT AND BAR, LLC 910 UNION AVENUE UNION BEACH, NJ 07795.

Resolution offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and adopted by the following Roll Call Vote:

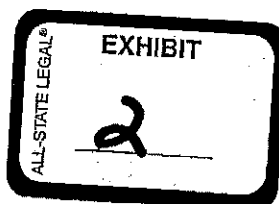
Roll Call Vote

Ayes: Mr. Perrella, Mr. Wickl, Ms. Roche, Mr. Williams, Mr. Andreuzzi and Mr. Cocuzza
Nays: None
Absent: None
Abstain: None

ADJOURNMENT: Motion moved by Councilman Cocuzza, seconded by Councilman Andreuzzi and approved by unanimous Voice Vote. Meeting is adjourned at 9:15 p.m.

Respectfully Submitted By Anna Maria Sum

ON BACK ON Lia Lic.





State of New Jersey

Department of Law and Public Safety
Division of Alcoholic Beverage Control

2016-2017

UNION BEACH BOROUGH
MONMOUTH COUNTY

Pursuant to Title 33 of the New Jersey Statutes, A

PERMITS RETAIL CONSUMPTION LICENSE

is hereby granted to:

UNION BEACH SOCIAL RESTAURANT & BAR LLC

910 UNION AVENUE

UNION BEACH, NJ 07735

License Number: 1650-33-014-007

CONDITIONS LISTED ON BACK OF LICENSE

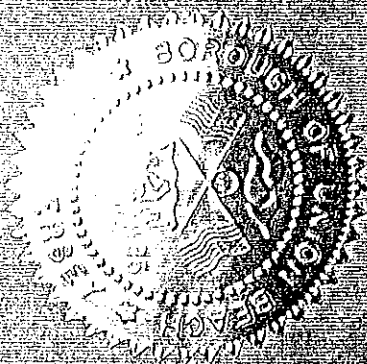
This license confers all rights and privileges pertaining thereto, as set forth in Title 33 of the New Jersey Statutes, and any amendments thereof and supplements thereto, and is expressly subject to the terms, provisions, limitations, requirements, and conditions set forth therein and any rules and regulations promulgated heretofore and hereafter by the Director of the Division of Alcoholic Beverage Control pursuant to Title 33 of the New Jersey Statutes. The license is further subject to the provisions of all municipal ordinances and/or resolutions pertaining thereto which have been or shall have been duly enacted under law.

Effective Date: 07/01/2016

Fee Paid \$200.00

Attest: UNION BEACH BOROUGH

[Signature]



This License Expires: 06/30/2017

Page 1 of 1



Borough of Union BeachResolution No. 2016-123:JUNE 30, 2016AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2016- JUNE 30, 2017.

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Be it further resolved, that the Municipal Clerk is hereby authorized and directed to sign and deliver the license certificates to the following licensees:

License No.Name and Address of Licensee:

1350-33-011-007
MUN. LIC. C-2
(CONSUMPTION)

UNION BEACH SOCIAL RESTAURANT AND BAR, LLC
910 UNION AVENUE
UNION BEACH, NJ 07735.

Resolution offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and adopted by the following Roll Call Vote:

Roll Call Vote

Ayes: Mr. Perrella, Mr. Wicki, Ms. Roche, Mr. Williams, Mr. Andreuzzi and Mr. Cocuzza

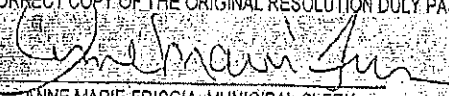
Nays: None

Absent: None

Abstain: None

CERTIFICATION

ANNE MARIE FRISCIA, MUNICIPAL CLERK OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION IS A TRUE AND CORRECT COPY OF THE ORIGINAL RESOLUTION DULY PASSED AND ADOPTED BY THE GOVERNING BODY AT THEIR MEETING OF JUNE 30, 2016.


ANNE MARIE FRISCIA, MUNICIPAL CLERK



MINUTES SPECIAL MEETING
Borough of Union Beach
Thursday, August 18, 2016- 7:00 p.m.
Municipal Building- 660 Poole Ave.
Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at 7:00 P.M.

ANNOUNCEMENT: By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Paul J. Smith, Jr.

MOMENT OF SILENCE: Mayor Smith calls for a Moment of Silence for our Engineer's Brother-in-Law and Union Beach Resident John Dorr. Mayor Smith also states that we are dressed casually tonight in team spirit clothes for Keyport. Last week was for the Keansburg Titans.

SUNSHINE LAW NOTICE: Announced by Clerk

Adequate notice has been given to the public and press on the date, time and place of this special meeting. In accordance with P.L. 1975, chapter 231, "open public meetings act." Clerk has advertised meeting in Asbury Park Press, Borough Website and on Bulletin Boards and has noticed residents by mail.

ROLL CALL: Council Members

Mr. Porrella
Mr. Wickl
Ms. Roche
Mr. Williams
Mr. Andruzzi
Mr. Cosuzza

Also Present:
Mayor Paul J. Smith, Jr.
John T. Lane, Jr., Borough Attorney
Robert M. Howard, Jr., Borough Administrator
Anne Marie Filsola, Borough Clerk

NEW BUSINESS: Mayor Smith states that the Council is the Local ABC Board and on tonight's Agenda is a meeting with the Residents and UB Social Owner, Tom Plinio.

ATTORNEY: John T. Lane, Jr. - Discusses that we did pass the license and we did put conditions on that ABC License. We did pass a Resolution and discuss that the conditions would take effect immediately with the exception of the written policy for the hiring of Police Officers - which we did not have prior. This policy is now drafted and he would expect that either Monday or Tuesday of next week it would be finalized with the PBA to see if there are any other concerns.

Mr. Plinio answers that the signage is complete, cameras are installed. Attorney states that all we are really left with is the issue regarding the closing time and the need for a Police Officer at the door on Friday and Saturday nights. This is what we are here to discuss.

MR. TOM PLINIO, OWNER - UB SOCIAL RESTAURANT AND BAR, 910 UNION AVENUE:

He is asking for is for the Police Officer to be lifted because it will put a business strain on him - one that he cannot afford. The town or whoever is working that night would actually be making more money than he would. He is a new business and every little penny counts right now. As far as the time, it was set at 10 p.m. during the week and he is asking for 11 p.m. and on the weekends instead of 11 p.m., he is asking for 12. He is asking to have these times lifted a little bit. He hopes that the Board can help him out since he is a new business in town.

MEETING OPEN FOR PUBLIC DISCUSSION:

Mayor Smith Opens the Meeting for Public Discussion Relating to this topic at 7:08 p.m.

Rose Waller, 804 Cambridge Avenue
Her street
Regarding the on-duty Police Officer, she feels that we most definitely need one. We have a lot of criminal action where she lives on Shore Road. It is very dark and they have had literal brawls on her street - cars speeding to the dead end, just a lot of problems. Her biggest concern coming here tonight has been the off duty Police Officer and not at the door, but located on Shore Road and Cambridge in that area. Whether they are situated in one area or drive around Union Avenue and Cambridge if it is very busy? We need that. She has been awoken, again cars speeding, parked cars on the block almost been hit. One of them her daughters. She understands, completely, that he has expenses, owning a bar, she can't even imagine. However when you have a business, going into it, one must take into consideration it is an expense, especially when people are consuming alcohol or whatever. You need to be accountable for your business and because it is not just her but the residents that have complained. She was not at the last meeting about what has been happening from these people at the bar. We have had bars there before, Stavia O's and

Anne Marie forgot to say that Rose Waller said COMPTON AT NIGHT what a coincidence



Jakeabob's we have never had this. This is a necessity. So she wanted to speak out and again, all due respect to his business (Tom Plinio and UB Social) and the business owner, we all live in the same town and she is all about everybody get along. It may sound corny but she means it genuine. The other thing is that she has an autistic child and discusses the noise ordinance as we are getting into the fall season. Children go to bed. She hears the music from 804 Cambridge and her husband goes to work. They go to work early and they are awakened. To have an Ordinance changed to even later, just so you can accommodate your business is ludicrous. She doesn't mean that disrespectfully again to the owner (Tom Plinio). She pays taxes and considers herself a good citizen and if she has to obey the laws of Union Beach, she feels that we all do, whether you are a business or not. Lastly, she does not know how it is zoned but she doesn't feel the bar should be there. But that is not point. There are houses to the left, to the right, in front, behind. She can't even imagine what it would be like to have a house right across. It is loud.

Joline Buckalo, 710 Park Avenue:

She did not receive a letter because she doesn't live on the Cambridge Block. A lot of residents are not aware of what goes on. She found out because she has friends on that block. Union Beach has been established, she can't imagine how many years ago. She has asked her neighbors who lived here for 30 years and there has always been a curfew in place. Now if you change his time of noise ordinance, you change it throughout the town. This is not a summer home resort spot. We are the working class people. She personally gets up at 4 a.m. to go to work to be in work for 8. How dare you think that she wants to be up at 11 at night because a business in town? (Quoting you Mr. Smith "You had said to me some years back when you buy next to a bar you expect noise", ok. She didn't buy next to a bar and she doesn't want her town time to change.

Mr. Smith - Can you hear the noise from the bar on that block?

Ms. Buckalo - It is not that - but if you change the town time for him... She is just saying...

Mr. Smith - we have not done anything and this is why we are having this meeting to discuss it. You are saying how dare you! We have not done anything

Ms. Buckalo - she knows and doesn't want you to.

Mr. Smith: So please listen.

Ms. Buckalo - let's be honest, if you change it for his provisions - you have to change it throughout the town.

Mr. Smith - Yes, if it was changed - if it is for the whole town, that is correct. We are meeting on this but have not done anything for you to say, "How Dare You!"

Ms. Buckalo - this is what she is afraid of - ok because she heard right here in this building that if you change the time for him, you have to change it throughout the town. You can't change it for a commercial license.

Councilwoman Roche - We know what we can or can't do.

Ms. Buckalo - this is her concern - This is a working class town. We get up, we go to work. We have children that have to go to school.

Councilwoman Roche - states she lives down the block from the bar so she knows what we are talking about.

Ms. Buckalo - again states that Mr. Smith told her that if you live next to a bar you should expect noise. She does not live next to the bar but does not want noise after 10 p.m. at night. She is sorry, she gets up - goes to work - her taxes are paid. She does not owe this town any money. OK - It needs to be addressed. This is not just about the bar. This is about the residents and if it is not going to benefit all the residents, then nothing should be changed for a bar.

Attorney John T. Lano, Jr.: Just so everybody understands, the current Ordinance is 11:00 p.m. We put in 10 p.m. and 11 p.m. in the conditions, but our Ordinance is for 11 p.m.

Susan Ellison, 809 Union Avenue: She lives directly across from UB Social and she is against changing the noise Ordinance. We are a working class town. She gets up in the morning at 5:30 a.m. People in her house get up at 4:30. She hears the noise past 10 p.m. during the week. She thinks it is asking too much. You can hear the music thumping in her living room clear as a bell. It is disruptive as she tries to watch TV, talk on the phone. It is loud and unnecessary. She hopes the Board will take that into consideration.

Heather Turato, 1004 Shore Road: In reference to who moves next to a bar or not next to a bar that is correct, but I did not move down the street to an outside bar, just to very clear. When she moved in eight years ago, there was a bar. "Did you ever see me before that? - No." They had some garbage on their lawn - no big deal. Now there is an outdoor bar. She hears it all night, her children hear it all night and it is absolutely not favorable. To address the one thing that he (Tom Plinio, owner) said as far as a Police Officer being a strain financially, she would like to know how much the Police Officer would cost?

Attorney John T. Lano: The town Ordinance for Road Work is \$35.00 per hour. That would be 10 hours per week that would be \$350 per weekend. Approximately \$44,000 per year.

Heather Turato: So when we were back here in May and June, we all talked and got up. She has the notes from the May meeting. The June Meeting minutes have not been published yet. Multiple people talked about not feeling safe. So based on all of that information that was offered, that provision was put on his license for a Police Officer, because we did not feel safe in our own homes and now you are telling me that the safety of her children is not worth \$44,000.00 No, No No...

we would take them out of there and put them in the parking lot. We put the smokers in the parking lot. There was another call, he had to put them back inside. That is all it is.

Councilman Williams: Addresses Tom Plinio - He went past there on Wednesday night, last week at 10:30 p.m. There was a bartender serving drinks and Olympic swimming on the TVs at 10:30 p.m. on a Wednesday night.

Tom Plinio - the TV's may have been on, you are absolutely right. He is trying to enforce this.

Councilman Williams: Am I seeing an open Bar?

Tom Plinio: We could sit here and go back and forth all night. Whatever you guys want me to do. The meeting that we had last time you guys beat him up all day long - you know what he means. He is looking for some relief - If you don't want to give it to him he understands. - He probably will have to sell the place.

Councilman Wicki - comments to Mr. Plinio "When you were here in June, I felt you conducted yourself like a gentleman and he was very encouraged because you were saying good things about establishing a relationship with the neighbors" He was optimistic that it would happen. His concern right now looking at the Police reports, that consistently they are 30 minutes after the agreed upon closing time that there are reports of people at the bars and TVs being on. So as much as you are saying that you are shutting it down, the reports dispute that. This is the big problem that he has right now is that if you are really trying to be the good neighbor, it has not been proved out since our June 30th meeting.

Tom Plinio: It is 8 people. They could call every night on him. Obviously, you can see that they don't want him here. It has been a bar for 70 years. It is fit-for-fat right now. He does everything possible. It is a bar - he cannot be pinpoint. He is sure you are not pinpoint everyday of your lives. It can't be - he wish he was then he wouldn't be in front of everyone tonight. Every time you guys call he comes. When the Police come by he complies with them. If you ask any Officer, he is not a gangster or a cowboy in this town. He is trying to make it here and make a living for himself, his wife and his two kids. This is all he is trying to do. When I came here you had open arms, but the place was closed for two years. That what people have to understand. People got used to quietness. It was a bar for 70 years before that. He does not have all the answers, but whatever you want to do he will comply to.

Councilman Williams: He wants to address that ultimately and you had used the term good neighbor many times. If you were given the restrictions, you asked the Borough Attorney when do these restrictions go into effect. Without hesitation the Borough Attorney said immediately. So in his mind that bar should have been closed at 10 that Thursday Night and 11 on weekends per the restrictions. The fact that the residents are calling the Police at 10:30 and you are expecting the Police to come over and enforce something that you were told was in effect immediately, again - our Police do a great job in this town, but again the sentiment that he is trying to make is that you were told that those restrictions go into effect immediately. The residents should not have to call the Police night after night for you to do what you were told at that last meeting. Another question he asks is that "you also had the right to appeal these restrictions with the ABC, have you taken any steps to do that or contacted the ABC with regards to these restrictions at all?

Tom Plinio: He has not contacted the ABC until he has completed his business with the Town. Getting back to your point Jeff. Like he said, they can just pick up the phone and say whatever they want to say, whether it is true, not true, half true whatever 200% true. The Police respond who are absolutely tremendous police. They come and call in back to the dispatch that it is not really a noise violation, the bartender is out, smoking is going on. Maybe a smoke on the inside Ordinance would help if you want to pass that.

Mayer: - that is against State Ordinances.

Tom Plinio: - You are just taking one incident and everyone else's incidents are piled up against him. So what else do you need.

Councilman Williams: If you are referring to the one incident that he made reference to before, when he drove past in order for him to get to his house one way or another sometimes he has to drive past the establishment. He takes mental notes. It has been more than that one Wednesday night when he has driven past 11 during the week, 10:30 during the week after midnight on the weekends when the TVs are on there are people there. It is not just one incident. Since the 30th obviously, You came in here. To echo what Councilman Wicki said, you were a gentleman at that meeting.

Tom Plinio: I am a gentleman now.

Councilman Williams: You said everything that we (council) wanted to hear. - you wanted to be part of the community, a thriving business in the community, a good neighbor, but again, since the 30th he has not seen that.

Tom Plinio: You don't think I have been in compliance since the 30th?

Councilman Williams: not when he drives by at 10:30 at night and the bar is open.

Tom Plinio: at 10 the bartender breaks down the bar. - they have last call. They are told to go inside. He is losing customers because of the service - holding people by the hand and leading them inside. You don't want them smoking in the parking lot. The most part of it is that people are smoking as far as closing the bar he is not 100% all the time but he is closing it down. When you are driving by you may see the bartender behind the bar cleaning up he stopped serving at 10 p.m. but you have to clean and breakdown the bar to clean it board of health compliance. Closing, up the liquor, putting it all locked away, putting food away - it takes a while. If he starts cleaning at 9 but is still serving till 10 - it still takes an hour to clean it up anyway because it is being used.

Mayor Smith: We never said that!

Heather Laurato: That is what you are saying. That is what I am hearing. That is what I am perceiving.

Mayor Smith: Asks, "How would a Police Officer at the Bar protect your home?"

Heather Laurato: They are watching and making sure that no one is getting out of hand. They are watching the bar - how do you even think of that?

Mayor Smith: Lets be real here - Lets not say we are not protecting you and your family.

Heather Laurato: I think this is being real - she doesn't need to be yelled at.

Mayor Smith: - you shouldn't tell us that we are not trying to protect the families of these residents.

Heather Laurato: That is how she feels.

Mayor Smith: Well you are allowed to feel the way you want, but you shouldn't say those things - that is horrible.

Heather Laurato: She has felt like that since day one - then on June 30th you guys passed provisions that left us cheering, like wow -- this is a great community we felt good, we started fixing up our house again like we were going to stay and then July 7th, the next weekend, the weekend after, he is not closing down! Well she has something that she received in the mail telling her that she must cut the long limbs on her tree in front of her house within 5 days or she would get a municipal court summons.

Mayor Smith: That is not from us.

Heather Laurato: But it is from the town.

Mayor Smith: We don't tell our Code Enforcement Officer to issue letters.

Heather Laurato: Well if you are going to hold her accountable for trimming limbs on her tree, she would think that this would be just as important and that there would be some consequences. She had specifically asked Mr. Lane when they were here last, "What were the consequences?" Unfortunately, she could not print out the minutes from the last meeting because they are not on line yet. However, she specifically got up one last time that night and said "What are the consequences if he doesn't follow the provisions?"

Attorney John T. Lane, Jr.: Just to be clear here, the Police are responding to all of these calls. There is a record of resolving the calls. For the most part, they dispersed the people; they tried to get them to go inside, they had them turn off the TVs and forced them to comply. Some of the calls are at 11:05, 11:30, 11:44, but they do respond to every call. Some of those calls were responded in four to five minutes. They get there and they deal with the people there. He has read the complaints and will go over them with the Chief. Summonses can be issued. The Officer always has the discretion on whether or not to file the charge. We do not sit here and second guess what each Officer does. Every time someone is stopped for speeding they don't get a ticket. Every time someone is stopped it doesn't always result in an arrest or an issue of a violation. We are working to get compliance. There were motorcycle complaints and others that are not clear what they were really for. The very specific one by 11 p.m. on a weekend and 10:00 p.m. on weekdays the outside should be closed and from what he is reading he does not know if that is really closed. The TVs are supposed to be off and the only people that are supposed to be outside are supposed to be those smoking and the drinks should not be brought outside either. We are here to discuss. The provisions are here and there are a couple of calls after the provisions had gone into effect.

Councilman Williams: A couple on the 30th right after the meeting. That night.

Attorney: 22nd, 28th, the last two weekends. July was better than August. He can see this is an enforcement issue. He is not hearing any real reasons to change anything. This may have begun with the belief that some people had thought that the cost of the police was excessive in the neighborhood and that these restrictions weren't there. Does anybody feel this way.

What has not been discussed is that the Ordinance says 11 p.m. on weekdays. There is no room to make the Ordinance 12:00 on weekends. The Police Officer at the door is imminent. This should have a marked impact on the sound outside. He is outside the bar. TVs will be off, smoking only outside.

Heather Laurato: you made a good point, in all of that you said - the concern is that who then is responsible for shutting down the outside bar at 10 and 11 o'clock. She has a full time job and a full time job at home with her children. She does not want to have to call the Police and say it is 10:15 time to close down the bar. She feels that this is what she is doing. It should not be the Police. It should be him. (Tom Plinio) the owner should be shutting it down at 10:00 it is up to him. Why are we sending the Police?

Attorney: Totally agrees, half the time the Police will be diving by observing and interacting without people complaining.

Heather Laurato: would like to think that he would be the good neighbor that he said he wanted to be at the last meeting and that he would take it upon himself.

Tom Plinio: 10 o'clock during the week and 11 o'clock on the weekend. At 10 o'clock the bar tenders pull down and 11 o'clock on the weekend the bar tenders pull out. The people out there are smoking. The other night which one of the complaints was, we said

Councilman Williams: Asks about fire-owning of other establishments.

Tom Plinto: No he does not own other establishments - just one business in Union Beach.

Councilman Williams: How many nights to you spend at this establishment on an average week.

Tom Plinto: Average of six days a week with some time off this summer.

Eileen Leon, 706 Cambridge Avenue - She doesn't care about the license. She has worked in a bar and she knows how long it takes to clean up and everything else she does it every day 30-45 minutes. It is the noise. You have a place where if they don't smoke outside in the parking lot they are smoking in the little area, but guess what they can eat in the little area, drinks in the little area as long as they are smoking. If they are going to smoke they should smoke outside if they want to eat and drink they should smoke in the building. She does not call the Police all the time, she calls when she can't fall asleep at 1:30.

Mary Chepulis, 504 Front Street: She does not live near UB Social but near Jakeabob's and is concerned about the Noise Ordinance Change. When she moved to Union Beach and bought her home she was not informed when the restaurant put in the tiki bar no one was informed in the neighborhood. It seems that this is what also happened here. Her question is "How do you not have to go before a Planning Board for a variance saying that now you are going to have an outside establishment?"

Mayor Smith: He did not go before the Planning Board; He was approved by the Construction Official.

Mary Chepulis: So no variance is needed for Jakeabob's?

Mayor Smith: The set up at Jakeabob's outside is a one year permit for the restaurant.

Mary Chepulis: She is not talking about this year but many years ago. She did not know about the outside. Where do the residents come into play when something like this is going to happen?

Attorney John T. Lane: Asks how long ago was the Tiki Bar installed.

Mary Chepulis: Approximately 7 or 8 years ago.

Attorney John T. Lane: The outside facility if it didn't trigger any variances, the ordinance allows outside eating and drinking as long as the area is approved.

Mary Chepulis: - as citizens we have to get a variance if we want to add a room on.

Attorney John T. Lane: Usually because there is a non conforming structure, or you are bringing use that is not permitted in the zone, specific reason, i.e., your lot is undersized, etc.

Mary Chepulis: She moved there and there was no outside bar.

Attorney: Normally when you expand a physical facility, when you have a non conforming structure, or you are bringing use that is not permitted in the zone, but a restaurant-bar is probably bringing...

Mary Chepulis: So I could drink right in my backyard and bring a million people over every night.

Attorney: In a residential zone, probably not because that use is probably excluded. He thinks where Jakeabob's is located is a commercial zone.

Mary Chepulis: Right.

Attorney: Which allows restaurants. So he could bring in a restaurant within the limited use of the Ordinance. They come in and say "here is what I want to do" they submit it to Zoning and they say thumbs up or thumbs down on the use. Restaurant permitted, outdoor music permitted, outdoor seating permitted. Then Structure - front yard, side yard, setback, how tall it can be, how short it can be - things like that - at the second review Does it need a variance? The zoning official may send them to one of the Boards for a variance. Separately, and in the case of a bar there is a separate area regarding the scope and area of the liquor license, where liquor can be consumed, whether it is indoors/outdoors. They just went through this process with Jakeabob's opening its current version. The ABC came down. Every single thing had to be approved. Temporary structures, it is here for one year.

Mary Chepulis: She gets all that, yet the American Legion who serves the veterans, can't serve liquor downstairs. Why is that?

Mayor Smith: It is a different license.

Attorney: They have two problems. One is the different license, secondly, they did go before the board and if they had gone before the board and asked to have an outdoor facility downstairs underneath they might have gotten it or they might not have gotten it. Remember that structure may or may not be conforming with the size of the lot and everything. If you double your floor area you double your parking, you double a lot of other considerations that may trigger a multiple of other variances. So, they didn't ask for it because they might not have gotten the approvals needed. They needed a lot of variances to start with and the questions as to if they double their serving space they would have doubled the size of their venue. Inside and outside and downstairs. They have a parking lot that is a certain size. If they double the size of the parking. They impact the whole area and for that reason they may have needed a variance to double the serving space and that may have triggered additional parking. Some of that downstairs

space were parking spaces that were necessary to get the approval that they have and now they want to use those designated parking spaces as service space.

Mayor Smith: They can get special permits to have events downstairs which we have never denied.

Attorney: Once you go into court and ask for certain amount of relief and get an approval, now you are in the four corners of your approval. They did not ask for that approval. We can't just go and say we like the American Legion, so we are going to give them everything they want without an approval. It would not be fair to everybody else who goes there and gets an approval and uses the four corners.

Mary Chevulis: I still think you are discriminating against the residents of Union Beach.

Mayor Smith: We haven't done anything -- this is just discussion.

Michael Weatherholt, 709 Cambridge Avenue:

He does call the Police. He had to call the Police Officer on the 3rd at 2:13 in the morning. There was a fight in the parking lot that woke him and his family up. They actually had Union Beach and Hazlet Police come. He does not know what happened after that as he could not see over the fence.

Attorney: On August the 4th at 2:13 a.m. -- Summonses were issued for a 1041 this was an arrest. at 2:11 there was a call and a fight between two people we have their names and summonses were issued for fighting in the parking lot. Attorney reads from the report as to the fight in the street at 910 Union Avenue -- Arrests were made.

Michael Weatherholt: This is well after closing and he has a problem with the owner not being there every night. There is a bartender there who has a very loud voice. You can actually hear if two houses down after 10 p.m. People are trying to sleep.

Joline Buckalo, 716 Park Avenue:

She has a question for the Borough Attorney. You said that just as an example that the American Legion wanted to put a bar downstairs and they were going to take away parking spaces. Which again would inflate their need. When the Union Beach Social built a bar outside, there was parking spaces that were eliminated. You also stated that the variance law changes. "She has in Union Beach gotten three variances to live here to put an addition on her home and to put a shed in her backyard. She needed variances. Her house is of old structure so it sits six inches from the line. So even though the structure that she was building was going to be in the correct perimeter, she needed to get a variance because her present structure was on the line. Her question to the Attorney then is "how is a bar built outside when the Union Beach Social building sits on the sidewalk and does not have the required by the Town of Union Beach of a 25 ft setback?"

Attorney: He does not know what was done in any of her cases. In a non-conforming structure, if when you change the building it does not increase the non-conformity then they sometimes don't make them go before the Planning Board. For example, if your have a non-conforming structure and you buy more parking spaces, they would not send you back to the Board to get more spaces as long as you are properly zoned. If they are shrinking the size of the building and not creating any new variances, even though it is a non-conforming structure, they may not send you to the Board because it does not increase the non-conformity. In your case, if it is wide coverage, it may have increased the lot coverage of non-conformity. There are various reasons why a Zoning Officer may or may not send you to the Board.

Joline Buckalo: She was under the impression that Town-wide the rule was that you had to have a 25 ft setback or you needed a variance.

Attorney: Every zone is different, some of the buildings have grandfather rights in a pre-existing Ordinance. They are non-conforming structures that are grandfathered. For example if the house is built too close to the street, they are not going to let you build closer to the street. If you want to go off the back further away from the street, not every zoning officer will send you to the Board.

Joline Buckalo: In the case with UB Social, the building is on the main strip, it doesn't have a 25 ft setback ok and you used parking spaces to put in a permanent fixture. That bar is permanent -- it is concrete.

Mayor Smith: No parking spaces were taken away.

Attorney: The parking spaces are still there. He believes there are six that go right up to it. He does not believe there were any in front of that outside area. It was at least an outside seating area prior.

Joline Buckalo: There are still no registered permits for this building either.

Attorney: We will look into this. He asks owner Tom Pinlo if permits have been filed for outside electrical and outside plumbing.

Tom Pinlo: They have been filed.

Attorney: Do you have copies because we have not been able to fill an OPRA request and were unsuccessful.

Heather Laurato: There are still no permits yet on file. We seem to have gotten side tracked. We are here to specifically talk about the restrictions that were put on and the possibility of them being removed or changed in one way or another. Because she does know that there is a meeting after this, she thinks it is good to refocus. She asks if she is allowed to read a letter from Rose

Marie and Vito Zerrillo who live on Cambridge Avenue and who have since put their house up for sale and who are unable to attend this meeting. They are on vacation and were unaware of this meeting until Monday.

Attorney: You cannot read someone else's letter.

Heather Laurato: Can I submit a letter that they wrote.

Attorney: They can. (the Zerrillos)

Heather Laurato: She is being honest when she came to the Borough last week she said, "If the rules were being followed and the (owner) came up and said you know I am being a good neighbor, you put the restrictions on, I followed them, I am losing a lot of money. It would be a different conversation, I think." She thinks a lot of us would be feeling a lot differently, but the fact that she feels that she has become part of the Police Department by calling at 11 p.m. on a weeknight and well after midnight on the weekends to report the fact that the tv's are still on the music is still on and the outside is still open. She thinks that is just proof in the pudding - she said if you are going to be a good neighbor I will believe it when I see it and she thinks that she can speak for most of us that we have definitely not seen it.

Mike Ervin, 909 Union Avenue: The music is still loud. There is tv's on past 11 and if they are a sports bar why does he hear club music. If you are a sports bar you would hear sports. He hears thumping in his living room. He gets up after 4 o'clock in the morning. If he is hearing it at 1 o'clock - 1:30 in the morning, when does he sleep? He tried talking to him numerous times saying Monday through Thursday keep it down until 10, Friday and Saturday if you want to be a little loud, he doesn't care, but he did not want to go that route. Still since the last meeting, it is still going on past 11 p.m., 12, 12:30, 1:00. If you are a sports bar, family owned, family business, then why is he hearing club music. He is a club not a sports bar. If he was a sports bar, wouldn't he be hearing sports? Why is he hearing thumping, club music every night? As far as the outside bar, he has lived across the street from that bar for 40 years, there were no variances or nothing for an outside bar. There was a bar, an apartment then it became a hell. So how that got approved to be a bar outside is beyond him, especially right on top of parking lot.

Tom Pilino, 910 Union Avenue: Addresses Mike Ervin, Mike you are also the guy, when he pulls up every day for work, you tell me you are calling the cops no matter what, whether it is noisy or not. Mike, you are another guy who comes into my bar and drinks and then you drink and then you go to house...

Mayor Smith: Requests that Mr. Pilino Address his comments to the Council.
Mr. Pilino continues that neighbors like to come to his bar and harass him, so maybe he should file complaints against every body there too. They like to come into his bar and drink and then go call the cops on him too. He has pictures of and videos and so forth.

Eileen Leon, 706 Cambridge Avenue: She has never stepped in the bar, ok so it is not everybody. You need to have your names and everything also. She does not care about his license, what she cares about is her sleep.

Marla Weatherhold, 709 Cambridge: She complains about the noise till 1 o'clock and that she could not sleep. The motorcycle noise in the parking lot. Women screaming too loud. She is very upset and does not want that time extended. They call the police as a solution.

Mike Weatherhold, 709 Cambridge Avenue: He has not stepped foot back in the bar after all this started and he doesn't plan to step foot again. If he can't fix it and make every body else happy, he doesn't know what to tell him.

Brian Caronla, 919 Union Avenue: This is just about the outside bar and there is noise in general, but just the amount of people and talking at whatever time of night. His room is right in front, right next to this outside bar. This not personal against the owner. This just has to do with noise. This is all he really wants to say.

Rosanne Waller, 804 Cambridge Avenue: She just wants to be clear as to the off-duty Police Officer. Would he be stationed at the door or more towards Shore Road, where it is dark and desolate or by the bar? It is just so busy and for her personally, she feels the need for just the presence of a Police Officer would minimize the loud music, the loud talking, the speeding down the dead end. She just wasn't here so she just wanted to ask.

Councilwoman Roche: You want a Police Officer down the street?

Mayor Smith: The approval given last month was for a Police Officer to be by the door and in the parking lot.

Attorney: Other Police drive around the area, his principle area would be the bar and right outside the bar.

Rosanne Waller: She wasn't certain. She is looking for Shore Road from Union Avenue is not a great drive, so he would be travelling not just stationed at the door, but would be in the area? She wants the Officer driving around that small little area. She lives down that road, there are people speeding to get away from the cops at 2 in the morning. She hears loud music because her bedroom is in the front and common sense with all due respect to the Council, if she was at a bar and the Police Officer is at the front of the bar, cool when we leave the bar and go down her block where they park, that is where all the loud talking and you start your car up and putting your music on. That is where the trouble is. How is the cop going to hear that from the bar to her house? If your home was there, she believes they would agree with her. She just wants some compassion. Even if it is 2 or 3 cars, if it is down Shore Road by Heather's home or by hers in that small area, when these people get in their cars, all due respect, they turn the cars on, the music goes loud. As they are going to their cars, they are loud, laughing, they are drunk. She can hear that as they go to the car, as they are leaving the cars and going to the bar before they even drink and after they drink. The music is going. This is part of it. When there are problems and the cops are coming down and they are speeding on a dead end. This is what is

happening. She is just saying, if she is this person and she is leaving the bar, cool a cop is there, you are wasting your time because he is at the bar. If he was to just drive and step on the peddle and just drive around in that little area, you would be doing a service. She is speaking on behalf of the residents because you are not there. She is living there like a brand and a consumer. A consumer tells the brand, this is what we need. As a resident this is a need. We need cops to be patrolling the area. This little area. She has seen cops by Jakeabob's by the way. They are all over by Jakeabob's looking at people, which is great. We need help too. She feels like as people tell these stories, what kind of people are coming into our town. This man (Tom Plinio) cannot control it. Cops are making arrests. There is stress fighting. Where is she living? This is Union Beach and a lot of people have looked down on Union Beach. Now, when people visit they say it is a cute little town. Our reputation has gotten better over the years. Sandy people are rebuilding. She goes home at night and it is not safe. She has an autistic son. He goes to sleep super early, so big deal the cop goes from the bar, down to Shore Road, back and forth. Is it a really big deal to ask the Council to do that.

Councilman Williams: Questions Attorney, John T. Lerie, Jr., or Police Chief Ervin, as to if the Police Officer who is going to be stationed at the bar would have the ability to gage the crowd and if need be maybe radio a car and say we have a crowd tonight. You may want to have a car in that general area. This might have to be written into the policy. He is not 100% sure how that works.

Councilman Coouzza: He always would have that ability.

Police Chief Chuck Ervin, 821 8th Street: This would be in the procedure portion not the policy. As far as he is concerned the procedures are going to dictate Union Avenue, Cambridge Avenue, Shore Road. He will make a loop. He will be on foot, he will be in a car. It will be varying.

With no one else appearing to be heard, Mayor Smith closes for Public Discussion at 8:00 p.m.

Mayor Smith calls for Motions:

Councilman Williams: Motions that Council does not make any changes to the provisions that were voted on unanimously at the June 30, 2016 meeting, seconded by Councilman Wickl and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Perrella, Councilman Wickl, Councilwoman Roche,
Councilman Williams, Councilman Andreuzzi and Councilman Coouzza
Nays: None
Absent: None

Mayor Smith calls for a motion to Adjourn to our Regular Council Meeting of August 18, 2016:

Motion moved by Councilman Wickl, seconded by Councilman Williams and approved by Unanimous Voice Vote.

Respectfully Submitted:

Anne Marie Friscia

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
12/9/2016	4	\$ 240.00	UB SOCIAL	MONTENEGRO
12/10/2016	4	\$ 240.00	UB SOCIAL	DEICKMANN

TOTALS 8 \$ 480.00



Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name M. DEICKMAN

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 12/10/16 Start Time 10:30 AM Finish Time 02:30 PM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVENUE, UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR X 4 HOURS TOTAL DUE
\$240.00

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name MICHAEL MONTENEGRO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 12/9/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVENUE UNION BEACH, NJ 07735

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Union Beach, NJ 07735

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\$60.00 PER HOUR

4 HOURS TOTAL
DUE
\$240-

UB SOCIAL
 910 UNION AVENUE
 UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
11/4/2016	4	\$ 240.00	UB SOCIAL	RUSO
11/5/2016	4	\$ 240.00	UB SOCIAL **PREV.BILLED**	RUSO
11/11/2016	4	\$ 240.00	UB SOCIAL	RUSO
11/12/2016	4	\$ 240.00	UB SOCIAL	RUSO
11/18/2016	4	\$ 240.00	UB SOCIAL	DAVIS
11/19/2016	4	\$ 240.00	UB SOCIAL	RUSO
11/25/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
11/26/2016	4	\$ 240.00	UB SOCIAL	RUSO

TOTALS 32 \$ 1,920.00

12/2/2016	4	\$ 240.00	UB SOCIAL (BILLED NOV.)	HIGGINS
12/3/2016	4	\$ 240.00	UB SOCIAL (BILLED NOV.)	DAVIS

TOTALS 8 \$ 480.00

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PZL. RUSSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11-4-16 Start Time 10:30 AM Finish Time 2:30 AM

Total Hours 4 Vehicle Used B

Location UB SOCIAL - 910 UNION AVENUE
UNION BEACH, NJ

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
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\$60.00 PER HOUR X 4 HOURS = 240-

TOTAL DUE
\$ 240-

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. JOSEPH RUSSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11/11/2016 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 8

Location UB SOCIAL 910 UNION AVENUE
UNION BEACH, NJ 07735

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Union Beach, NJ 07735

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\$240.00

Borough of Union Beach
Police Department

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Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
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Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. JOSEPH RUSSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11-12-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used Q

Location UB SOCIAL 910 UNION AVENUE
UNION BEACH, NJ 07735

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650 Poole Avenue
Union Beach, NJ 07735

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TOTAL DUE

Borough of Union Beach
Police Department

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Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. DAVIS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11/18/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVENUE
UNION BEACH, NJ 07735

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Union Beach, NJ 07735

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TOTAL DUE
\$240-

Borough of Union Beach
Police Department

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AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11-25-16 Start Time 10:30 PM Finish Time 2:38 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL

910 UPTON AVE
UNION BEACH, NJ
07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

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TOTAL DUE

Borough of Union Beach
Police Department

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Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. JOSEPH RASSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 11-19-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVE
UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
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\$60.00 PER HOUR 4 HOURS = \$240

TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 12-2-2016 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 5

Location UB SOCIAL 910 UNION AVENUE
UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR $\times 4 \text{ Hours} = \$240-$

TOTAL DUE
\$240-

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. RUSSO

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone #

Date of Work 11-26-16 Start Time 1030 PM Finish Time 230 AM

Total Hours 4 Vehicle Used 7

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

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OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR X 4 HOURS = \$240-

TOTAL DUE
\$240-

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. DAVIS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 12-3-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 9

Location UB SOCIAL 910 UNION AVENUE
UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

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TOTAL DUE
\$240.00

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
8/19/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
8/20/2016	4	\$ 240.00	UB SOCIAL	WOODHEAD
8/22/2016	MON 4	\$ 240.00	UB SOCIAL	CALMON
8/26/2016	4	\$ 240.00	UB SOCIAL	SMITH
TOTALS	16	\$ 960.00		

PAST DUE

9/2/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/3/2016	4	\$ 240.00	UB SOCIAL	ERVIN
9/9/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/10/2016	4	\$ 240.00	UB SOCIAL	HARRIOTT
9/16/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/17/2016	4	\$ 240.00	UB SOCIAL	HARRIOTT
9/23/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/24/2016	4	\$ 240.00	UB SOCIAL	RUSSO
9/30/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	36	\$ 2,160.00		

PAST DUE

10/1/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	4	\$ 240.00		

PAST DUE

GRAND TOTAL DUE THIS INVOICE \$3,360.00

TOTAL DUE

*PLEASE
REMIT*

10/7/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
10/8/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	8	\$ 480.00		
10/15/2016	4	\$ 240.00	UB SOCIAL	GAJEWSKI
10/14/2015	4	\$ 240.00	UB SOCIAL	RUSSO

TOTALS *NO SHOW* **8 \$ 480.00**

10/21/2016	4	\$ 240.00	UB SOCIAL	CALMON
10/22/2016	4	\$ 240.00	UB SOCIAL	GAJEWSKI
10/28/2016	4	\$ 240.00	UB SOCIAL	ERVIN
10/29/2016	4	\$ 240.00	UB SOCIAL	CALMON

TOTALS **16 \$ 960.00**

11/5/2016	4	\$ 240.00	UB SOCIAL	RUSSO
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TOTALS **4 \$ 240.00**

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
10/21/2016	4	\$ 240.00	UB SOCIAL	CALMON
10/22/2016	4	\$ 240.00	UB SOCIAL	GAJEWSKI
10/28/2016	4	\$ 240.00	UB SOCIAL	ERVIN
10/29/2016	4	\$ 240.00	UB SOCIAL	CALMON

TOTALS 16 \$ 960.00

Borough of Union Beach
Police Department

Charles Eryln
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. CALMON

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10-21-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 11

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

X 4 HOURS = \$240 -
TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name GAJEWSKI

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10-22-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 9

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 hours TOTAL DUE
\$240

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name ERVIN

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10-28-16 Start Time 10:30PM Finish Time 2:30AM

Total Hours 4 Vehicle Used 2

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :

OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours = TOTAL DUE
\$240

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name CALMON

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10-29-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 11

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR 4 HOURS = \$240

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
11/5/2016	4	\$ 240.00	UB SOCIAL	RUSSO

TOTALS 4 \$ 240.00

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name RUSO

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 11-5-16 Start Time 10:30 AM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 0

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

TOTAL DUE
4 = \$240

MAILED to ME OCT. 5th

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
8/19/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
8/20/2016	4	\$ 240.00	UB SOCIAL	WOODHEAD
8/22/2016	Mon 4	\$ 240.00	UB SOCIAL	CALMON
8/26/2016	4	\$ 240.00	UB SOCIAL	SMITH
TOTALS	16	\$ 960.00		

9/2/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/3/2016	4	\$ 240.00	UB SOCIAL	ERVIN
9/9/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/10/2016	4	\$ 240.00	UB SOCIAL	HARRIOTT
9/16/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/17/2016	4	\$ 240.00	UB SOCIAL	HARRIOTT
9/23/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
9/24/2016	4	\$ 240.00	UB SOCIAL	RUSSO
9/30/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	36	\$ 2,160.00		

10/1/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	4	\$ 240.00		

GRAND TOTAL DUE THIS INVOICE \$3,360.00



Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name DONALD HIGGINS
Establishment Name UB SOCIAL
Address 910 UNION AVENUE
City/State/Zip UNION BEACH, NJ 07735
Phone # _____

Date of Work 8/19/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 10 UB SOCIAL
Location 910 UNION AVE. UBNJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = TOTAL DUE
\$240—

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name ROBERT WOODHEAD

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 8/20/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 5

Location UB SOCIAL
910 UNION AVENUE, UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = \$240-TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name CALMON

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 8/22/16 Start Time 10:30 PM Finish Time 02:30 A

Total Hours 4 Vehicle Used 11

Location UB SOCIAL - 910 UNION AVE, UBNJ07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = \$240 TOTAL
DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name SMITH

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 8/26/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 0

Location UB SOCIAL 910 UNION AVENUE, UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"
\$60.00 PER HOUR

4 HOURS X \$60-per Hour = \$240- TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH NJ 07735

Phone # _____

Date of Work 9/2/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVE. UBNJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours x \$60 per Hour = \$240 - TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name ERVIN

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/3/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 7

Location UB SOCIAL 910 UNION AVE. UBNJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 HOURS x \$60-per Hour = \$240-TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UB SOCIAL

Address 910 UNION AVE

City/State/Zip UNION BEACH, NJ 07235

Phone # _____

Date of Work 9/9/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVE UBNJ 07235

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60 per Hour = \$240 - TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HARRIS

Establishment Name UB SOCIAL

Address 910 UNION AVE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/10/16 Start Time 10:30 AM Finish Time 2:30 PM

Total Hours 4 Vehicle Used 4

Location UB SOCIAL 910 UNION AVE. UB NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = \$240 TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIBBINS

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/16/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVENUE UN 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = \$240 - TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HARRIOTT

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH NJ 07735

Phone # _____

Date of Work 9/17/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 4

Location UB SOCIAL 910 UNION AVENUE, UBNJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 HOURS X \$60-per Hour = \$240-TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UB SOCIAL

Address 910 UNION AVE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/23/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVE. UB, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 Hours X \$60-per Hour = \$240-TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS

At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name RUSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/24/16 Start Time 10:30 PM Finish Time 02:30 AM

Total Hours 4 Vehicle Used 7

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 HOURS X \$60-per Hour = \$240- TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name RUSO

Establishment Name UB SOCIAL

Address 910 UNION AVE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 9/30/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 7

Location UB SOCIAL 910 UNION AVE. UB NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 HOURS AT \$60 PER HOUR = \$240 - TOTAL DUE

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name RUSO

Establishment Name UB SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NJ 07735

Phone # _____

Date of Work 10/1/16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 6

Location UB SOCIAL 910 UNION AVE. UB NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue
Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

4 HOURS AT \$60.00 PER HOUR = \$240.00 TOTAL DUE

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
10/15/2016	4	\$ 240.00	UB SOCIAL	GAJEWSKI
10/14/2015	4	\$ 240.00	UB SOCIAL	RUSO

TOTALS 8 \$ 480.00

*MAILED
to MR
DET 1812*

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name

PT. JOSEPH RUSSO

Establishment Name

UNION BEACH SOCIAL

Address

910 UNION AVENUE

City/State/Zip

UNION BEACH, NEW JERSEY 07735

Phone #

Date of Work

10-14-16

StartTime

10:30 PM

Finish Time

02:30 AM

Total Hours

4

Vehicle Used

8

Location

UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.

650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:

OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR

X 4 HOURS

TOTAL DUE
\$240-

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name PTL. MATTHEW GAJEWSKI

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10-15-16 Start Time 10:30 PM Finish Time 2:30 AM

Total Hours 4 Vehicle Used 9

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR X 4 HOURS

TOTAL DUE \$240-

UB SOCIAL
910 UNION AVENUE
UNION BEACH, NJ 07735

SPECIAL DUTY ASSIGNMENT AT INDEPENDENT LOCAL BUSINESS ESTABLISHMENTS

DATE WORKED	HOURS	BILLED	BILLED TO	OFFICER
10/7/2016	4	\$ 240.00	UB SOCIAL	HIGGINS
10/8/2016	4	\$ 240.00	UB SOCIAL	RUSSO
TOTALS	8	\$ 480.00		

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name HIGGINS

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10/7/16 Start Time 10:30 PM Finish Time 2:30 A

Total Hours 4 Vehicle Used 10

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS:
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR X 4 Hours

TOTAL DUE \$240 ✓

Borough of Union Beach
Police Department

Charles Ervin
Chief

Michael Woodrow
Captain

AGREEMENT FOR SPECIAL DUTY ASSIGNMENT
POLICE OFFICERS
At Independent Local Business Establishments
Phone 732 264-0313 Fax 732 264-0452

Officer's Name JOSEPH RUSSO

Establishment Name UNION BEACH SOCIAL

Address 910 UNION AVENUE

City/State/Zip UNION BEACH, NEW JERSEY 07735

Phone # _____

Date of Work 10/8/16 Start Time 10:30 AM Finish Time 2:30 PM

Total Hours 4 Vehicle Used 8

Location UB SOCIAL 910 UNION AVE. UNION BEACH, NJ 07735

Note: Please make all checks payable to: Borough of Union Beach Finance Dept.
650 Poole Avenue

Union Beach, NJ 07735

PLEASE NOTE THE FOLLOWING ON ALL CHECKS :
OFFICER'S NAME DATE AND "OFF DUTY EMPLOYMENT"

\$60.00 PER HOUR X 4 HOURS

TOTAL DUE
\$240-

ATTEN. DT. WASHBURN

FROM- TOMMY PLINIO

. BILLING FROM TOWN





Tommy



Nancy A. Di Geronimo

Union Beach Social

November 27, 2016

So are you guys closed permanently? Came by last night. Just cops in the driveway!!

Page responded privately

Like

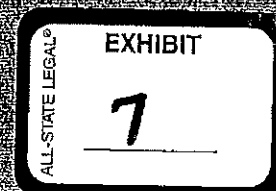
Comment

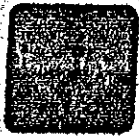
Share

Message



Write a comment...





Nancy A. Di Geronimo

[View Profile](#)

Actions

HI NANCY WERE OPEN 7 DAYS
A WEEK WE CALLED LAST CALL
EARLY LAST NIGHT SORRY
ABOUT THAT

**So are you guys closed
permanently? Came b...**

Facebook



I got a little nervous on a Saturday.
Cops circling like sharks at 12:30.
Glad to hear you're open.

YES I KNOW IT WAS HOLIDAY
WEEKEND YOU KNOW HOW
COPS ARE COME IN NEXT
WEEK ASK FOR TOMMY I WILL
BUY YOU A DRINK. THANKS



I sure do. See you then. Thanks
again

OK GREAT SEE YOU THEN





Joel Rice

Lol 😂

Yesterday at 1:19 PM · Like · 🍷 2 · Reply



Heather Carroll

Ive been to ub social once and it was so packed you couldn't move...literally. I got 2 beers the whole night because good luck getting a bar tender and I ended up with a parking ticket....I asked a cop where I should park and he pointed out the spot and I parked. I came out a few hours later with a ticket for illegal parking. Fuck ub social lol

Yesterday at 3:13 PM · Edited · Like · 🍷 2 · Reply



Mikey Powell



Yesterday at 3:14 PM · Like · 🍷 2 · Reply

Write a reply...



Post

 **Facebook User****Actions**

View Profile

JAN 13TH, 11:39AM

A lot of people in town are talking about the police chief. Chuck Ervin being under investigation by the prosecutors office and fbi. My girlfriend said it is because he was double billing the bar. So the cops that were working the regular shift were forced at the same time to do the security job and the chief falsified the records to do it by making up fake bills. Do you know what is going on? They have been in and out of the municipal building over the last few weeks with records and are back again. I saw them on my way to work this morning. The cops all no the Chief is dirty and don't support him

Telephone (732) 264-2277

Fax (732) 264-1267



MUNICIPAL BUILDING
650 POOLE AVENUE
UNION BEACH, N.J. 07735

November 21, 2016

Union Beach Social Restaurant, LLC
910 Union Avenue
Union Beach, NJ 07735

Re: Off-Duty Police Invoices

Dear Sir:

This is an attempt to collect a debt and any and all information received as a result of this communication will be used for that purpose. I represent the Borough of Union Beach as Borough Attorney and in that capacity, I am seeking to collect \$ 5,520.00 for Off-Duty Police Officers who provided security at your establishment from August 9, 2016 until November 5, 2016. You have been billed monthly during this period. The presence of these officers is mandatory per a condition of your Plenary Retail Consumption License issued pursuant to Resolution 2016-123.

You must contact Robert Howard, Borough Administrator to make an arrangement to pay your arrearages within 30 days of this letter and remain current on these charges thereafter. While it is not our intention to close your establishment, if you fail to pay these invoices or to make an arrangement you will force the Borough to cease providing these Off-Duty Officers. If you fail to have these officers present you will be violating the conditions of your license and the Borough can take actions against your license including but not limited to closing the establishment to liquor sales up to and including revocation of your Conditional Plenary Retail Consumption License. Further I will be compelled to file a law suit to recover these charges. **It is essential you act within 30 days.**

Very Truly Yours,


John T. Lane, Jr. Esq.
Borough Attorney

cc Mayor & Council



November 21, 2016

To Mayor Paul Smith and Union Beach Town Council et al,

I am humbly submitting this letter as a notification of hardship that this board has burdened my business with. At the meetings held in June and August of 2016, it was decided that I must pay a police officer to stay at my business during my busiest hours. This regulation was imposed with no precedent of ever having been done at any competing establishments with similar business models and is thus discriminatory in nature. Ironically, the same board imposing this regulation was instrumental, even persuasive in drawing me into this business, promising cooperation and assistance in getting my business up and running as it was considered a useful and necessary addition to the community. Less than a year later, along with other restrictions on my liquor license, this regulation was imposed and effectively takes my business from being modestly profitable to operating in the red on a monthly basis to pay for this unnecessary service that none of my competitors are similarly burdened with.

In lieu of taking legal action as a first step, I am requesting this board reconsider this unfair requirement of my business and remove this obligation so that I can keep my business operating in the community. If my request is rejected, I will be forced to explore my legal options and likely to close the business down due to financial hardship which I can provide documentation to prove.

I am hopeful that this letter renews our past discussions that were instrumental in my becoming a part of this community and providing a service this board requested I provide in the aftermath of Hurricane Sandy that devastated the local economy. It is my intention to remain a contributing part of Union Beach through the jobs I have created, the services I provide and the taxes I pay and continue to do my best to be a good corporate citizen and neighbor. I leave it in your hands to decide whether you will allow me to continue in these capacities.

Regards,



Thomas A. Plinio
Proprietor- Union Beach Social



BOROUGH OF UNION BEACH



FAX # (732) 264-1267

MUNICIPAL BUILDING, 650 POOLE AVENUE
UNION BEACH, NEW JERSEY 07735

December 19, 2016

Union Beach Social Restaurant, LLC
910 Union Avenue
Union Beach, NJ 07735

Mr. Thomas Flinley
163 Sand Road
Fairfield, NJ 07004

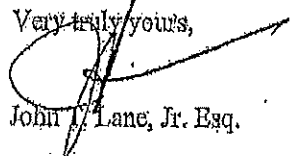
Re: UB Social Restaurant 1350-33-11-004
Non-payment of Off-Duty Police Invoices

Dear Sir:

This is an attempt to collect a debt and any and all information received as a result of this communication will be used for that purpose. This letter is a follow-up to my letter of November 21, 2016 seeking to collect \$5,520.00 for off-duty police officer invoices. To date, you have failed to make arrangements to pay your arrearages. Therefore, effective Thursday, December 22, 2016, the borough will not provide an off-duty officer for your establishment.

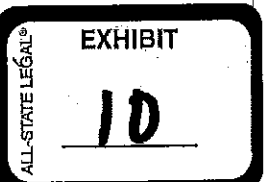
This letter is a formal notification to you that if no uniformed off-duty police officer is stationed outside your facility from 9:30pm to 2:30am on Friday December 23, 2016 and Saturday December 24, 2016 and each and every Friday and Saturday night thereafter, you will be subject to disciplinary proceedings pursuant to N.J.A.C. 13:2-1.9 et seq. for each and every Friday and Saturday.

Very truly yours,


John J. Lane, Jr. Esq.

Borough Attorney

cc: Mayor & Council
Borough Administrator



ROBERT CARTER PIERCE
ATTORNEY AT LAW
3350 ROUTE 138, BLDG. 1, SUITE 113
WALL TOWNSHIP, NEW JERSEY 07719

LICENSED TO PRACTICE
IN NEW JERSEY AND FLORIDA

E-MAIL: robertcperce@optonline.net

TELEPHONE (732) 749-3200
FACSIMILE (732) 280-8084

December 20, 2016

John T. Lane, Jr., Esq.
Attorney, Borough of Union Beach
Municipal Building
650 Poole Avenue
Union Beach, NJ 07735

Re: Union Beach Social Restaurant and Bar, LLC
910 Union Avenue, Union Beach, NJ
License No.: 1350-33-011-007
Resolution No.: 2016-123

Dear Mr. Lane:

I represent the Union Beach Social Restaurant and Bar, LLC and their respective owners, Mr. Thomas Plinio and Mrs. Gina Plinio concerning the special conditions imposed upon their liquor license by the Borough on June 30, 2016. My clients opened their restaurant on November 1, 2015. The liquor license was up for renewal on July 1st and the Borough conducted a special meeting concerning the re-issuance of the license the night before.

The Borough imposed four special conditions upon the license, which included the following:

There shall be a uniformed off-duty police officer outside the door from 9:30 p.m. until 2:30 p.m. Friday and Saturday. Said officer shall be secured through the Borough of Union Beach, if possible.

This condition was presented to my clients for the first time at the meeting at the request of the neighbors. Please note that the property is located in a commercial zone. This type of condition is unprecedented at this location, which has been a bar/restaurant for 70 years and seems to have been imposed because of the increased presence of African American patrons since my clients' recent ownership of the restaurant. In addition, it imposes a substantial cost upon the owners, without the option of hiring private security, with far less of a cost. The condition was also presented on the day before the liquor license was to expire, leaving the owners with no option but to agree to the terms. Most importantly, the presence of uniformed police deters patrons from frequenting the establishment. Recently the police have been appearing at the bar for no reason, which deters patrons from frequenting the establishment. In addition, my client is not in contract with the police department in any fashion and, as such, the police security officers are not on the Restaurant's liability insurance policy.



I am requesting the Borough to call a special meeting to revisit the imposition of special condition # 4 (uniformed police security from the Union Beach Police Dept.) to determine the following:

- (a) Whether the Borough has the authority to require a business owner to hire off-duty Borough police officers for security as a condition precedent for the Borough to renew a Borough liquor license?
- (b) Whether the restaurant is permitted hire private security instead of using Borough police officers?
- (c) Whether police security is required?
- (d) Whether the Borough has the authority to terminate the liquor license for alleged non-payment of fees?

I acknowledge that these issues will be raised at the time of the re-issuance of the license in June 2017. However, there was supposed to have been a town council meeting to pass the details of these conditions within two months. The meeting did not occur. I bring this to the attention of the Borough at this time because of the significant cost imposed upon my clients going forward. Therefore, I am requesting relief at this time.

Very truly yours,



ROBERT CARTER PIERCE

RCP/rp

Encl.

c: Clients

December 20, 2016

John T. Lane Jr., Esq.
Attorney, Borough of Union Beach
And
Robert Howard
Borough Administrator
Municipal Building
650 Poole Avenue
Union Beach, NJ 07735

Re: Union Beach Social Restaurant and Bar, LLC
910 Union Avenue, Union Beach, NJ
License No.: 1350-33-011-007
Resolution No.: 2016-123

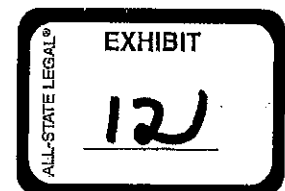
Dear Mr. Lane and Mr. Howard:

Attached please find my attorney's response to your attempts to collect fees from my business for what were supposed to be off-duty police officers assigned to be present at my establishment. On the advice of said attorney, I have not made payment on your requests to date because I was contacted in October, 2016 by the Monmouth County Prosecutors Office regarding an open criminal investigation into the Borough of Union Beach, Police Department of Union Beach, Town Council of Union Beach, the Borough Clerk, Borough Attorney and Borough Administrator. That investigation includes the services you are attempting to charge me for and I was informed you would be notified of this investigation imminently.

It is my intent to monitor the progress of this case as I will be bringing a civil case against all of the above mentioned parties for all restrictions imposed on my liquor license, all lost income and all actions taken against my business and against me personally, both past and future in retaliation for my actions noted here. Until this case develops, I will not be making any of the requested payments.

Very Truly Yours,

Thomas A. Plinio
Proprietor- Union Beach Social Restaurant and Bar, LLC



ALAN L. FRANK •••
KYLE M. KULZER ••
SAMANTHA A. MILLROOD ••
ALEXANDER J. PALAMARCHUK •
CHRISTOPHER BERNARD •••
EVAN L. FRANK •••
CHRISTOPHER R. KING ••
SUSAN B. PLINER ••
ROBERT E. BROOKMAN •••
ROBERT E. GORDON •••
SEAN A. MELUNY ••
DAVID M. D'ORLANDO ••
JORDAN E. FRANK ••
JACLYN H. FRANK ••

PARALEGALS
DEBRA E. MCGUCKIN
DEE A. WILK
DAWN M. WELSH
LISBETH LOZADA

• Certified by the NJ Supreme Court
as a Civil Trial Attorney
• MEMBER PA BAR
• MEMBER NJ BAR
• MEMBER NY BAR
• MEMBER FL BAR
• MEMBER DE BAR
• MEMBER CA BAR
• REGISTERED PATENT ATTORNEY

**ALAN L. FRANK
LAW ASSOCIATES, P.C.**
Attorneys at Law

135 OLD YORK ROAD
JENKINTOWN, PA 19046
(215) 935-1000
FAX NO. (215) 935-1110

NEW JERSEY OFFICE

1103 LAUREL OAK ROAD
SUITE 140
VOORHEES, NJ 08043
(856) 321-1120
FAX NO. (856) 321-1233

CENTER CITY PHILADELPHIA OFFICE

1515 MARKET STREET
SUITE 1200
PHILADELPHIA, PA 19102
(215) 496-9661
FAX NO. (215) 935-1110

DELAWARE OFFICE

ALAN L. FRANK LAW ASSOCIATES, P.A. (DE)
1007 N. ORANGE STREET
4TH FLOOR, THE MILL
WILMINGTON, DE 19801
(302) 300-4315

OF COUNSEL
RICHARD H. ELLIOTT •

E-MAIL ADDRESS:
afrank@alflaw.net

March 2, 2017

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

BOROUGH OF UNION BEACH
BOROUGH OF UNION BEACH POLICE DEPARTMENT
MAYOR PAUL J. SMITH
CHIEF CHARLES ERVIN
650 Poole Avenue
Union Beach, NJ 07735

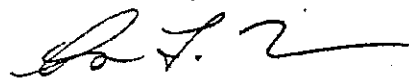
RE: *Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio*
NOTICE OF CLAIMS UNDER NEW JERSEY'S TORT CLAIMS ACT

Dear Sirs:

In accordance with New Jersey Statute Annotated, Title 59, enclosed please find Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio's Notice of Claims under New Jersey's Tort Claims Act.

Please feel free to contact me with any questions.

Sincerely,



ALAN L. FRANK

ALF:dem
Enclosure

cc: John T. Lane Esquire (Borough Attorney via certified mail return receipt requested)
Robert Howard (Borough Administrator via certified mail return receipt requested)
Samantha Millrood, Esquire
Thomas and Gina Plinio (via email)

Please visit us at www.alflaw.net



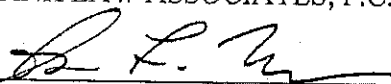
NOTICE OF CLAIMS UNDER NEW JERSEY'S TORT CLAIMS ACT

TO: BOROUGH OF UNION BEACH
BOROUGH OF UNION BEACH POLICE DEPARTMENT
MAYOR PAUL J. SMITH
CHIEF CHARLES ERVIN, Borough of Union Beach Police Department
650 Poole Avenue
Union Beach, NJ 07735

PLEASE TAKE NOTICE that the following claims of Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas Plinio and Gina Plinio, by and through their counsel, Alan L. Frank Law Associates, P.C., are hereby presented under the New Jersey Tort Claims Act, as follows:

- A. The Claimants are Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio, all having a business address at 910 Union Avenue, Union Beach NJ 07735.
- B. Notice in regard to the Claims asserted herein shall be directed to Alan L. Frank, Esquire, attorney for Claimants, 135 Old York Road, Jenkintown, PA 19046.
- C. Claimants intend to assert claims for violations of 42 U.S.C. § 1983, the Fourth, and Fourteenth amendments of the United States Constitution, violations of the New Jersey Civil Rights Act, malicious prosecution/malicious abuse of process, defamation/commercial disparagement, negligent hiring/training/supervision of police officers, tortious interference with economic advantage and infliction of emotional distress arising from and relating to the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin and Mayor Smith's campaign of repeated and systematic harassment of U.B. Social, its owners, employees, customers and patrons, through conditions/restrictions imposed upon Claimants' liquor license, through inappropriate and unlawful charges for off duty police officers, constant police harassment of the Bar and its customers, and through Council actions, designed to deprive U.B. Social and its owners of their protected liberty and property interests without due process, and for the Borough of Union Beach and the Union Beach Police Department's failure to address or respond to complaints with respect thereto during the period of July 1, 2015 through December 31, 2016.
- D. As a result of the acts and omissions of the Borough of Union Beach, the Borough of Union Beach Police Department, Mayor Paul J. Smith, and Chief of the Union Beach Police Department Charles Ervin, Claimants have suffered a severe loss of income, a substantial impairment of their earning capacity and power, great financial losses and expenses, mental anguish, embarrassment, and humiliation.
- E. Claimants' injuries, damages and losses were caused by the acts and omissions of the Borough of Union Beach, the Borough of Union Beach Police Department, Mayor Paul J. Smith, and Chief of the Borough of Union Beach Police Department Charles Ervin; and
- F. The estimated amount Claimant's damages exceed \$1,000,000.

ALAN L. FRANK LAW ASSOCIATES, P.C.

By: 

ALAN L. FRANK, ESQUIRE

135 OLD YORK ROAD

JENKINTOWN, PA 19046

Ph (215) 935-1000

Fax (215) 935-1110

email afrank@alflaw.net

Attorneys for Claimants

ALAN L. FRANK **
KYLE M. KULZER*
SAMANTHA A. MILLROOD**
ALEXANDER J. PALAMARCHUK*
CHRISTOPHER BERNARD**
EVAN L. FRANK **
CHRISTOPHER R. KING*
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* MEMBER CA BAR
* REGISTERED PATENT ATTORNEY

**ALAN L. FRANK
LAW ASSOCIATES, P.C.**
Attorneys at Law

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1007 N. ORANGE STREET
4TH FLOOR, THE MILL
WILMINGTON, DE 19801
(302) 300-4315

OF COUNSEL

RICHARD H. ELLIOTT *

E-MAIL ADDRESS:
@alflaw.net

March 21, 2017

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Municipal Clerk
650 Poole Avenue
Union Beach, NJ 07735

RE: *Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio*
NOTICE OF CLAIMS UNDER NEW JERSEY'S TORT CLAIMS ACT

Dear Madam:

Enclosed please find *Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio's* Responses to the Borough of Union Beach's Official Form for Notice of Tort Claims, that was sent to our offices by Marie Friscia, RMC from your offices on March 15, 2017. Also enclosed are attachments thereto and an executed Certification.

Formal Notice of *Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio's* Tort Claims were previously served on the Borough of Union Beach, Borough of Union Beach Police Department, Mayor Paul J. Smith, and Chief Charles Ervin of the Union Beach Police Department on March 2, 2017.

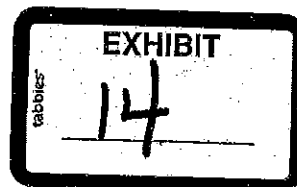
Please contact us with any comments or questions you may have.

Sincerely,

Samantha Millrood
SAMANTHA A. MILLROOD

SAM/dem
Enclosures

Please visit us at www.alflaw.net



**UNION BEACH SOCIAL RESTAURANT, LLC T/A U.B. SOCIAL,
THOMAS AND GINA PLINIO'S RESPONSES TO THE BOROUGH OF UNION
BEACH'S OFFICIAL FORM FOR NOTICE OF TORT CLAIMS**

CLAIMANT INFORMATION

Union Beach Social Restaurant, LLC t/a U.B. Social, Thomas and Gina Plinio, all having a business address at 910 Union Avenue, Union Beach NJ 07735.

ATTORNEY INFORMATION

Alan L. Frank Law Associates, P.C.
Alan L. Frank, Esquire
Samantha Millrood, Esquire
135 Old York Road, Jenkintown, PA 19046.
Tel: (215) 935-1000
Fax: (215) 935-1110
email: afrank@alflaw.net
Smillrood@alflaw.net

Send Notices to: Alan L. Frank, Esquire, 135 Old York Road, Jenkintown, PA 19046.

INFORMATION ON CLAIMANT

1. Provide the following information with respect to the Claimant:

The Claimants are Union Beach Social Restaurant, LLC, Thomas Plinio (date of Birth 6/30/70) and Gina Plinio (date of birth 4/17/80)

Any other name that Claimant is known by:
Claimant Union Beach Social Restaurant, LLC trades as U.B. Social
Claimant Thomas Plinio is also known as Tommy Plinio

Address at the time of the incident giving rise to the claim:
All Claimants have a business address at 910 Union Avenue, Union Beach NJ 07735.

Marital Status (at the time of the incident and Current)
Claimants Thomas Plinio and Gina Plinio are currently married and were married at the time of the incidents.

Identify each person residing with the Claimant and the relationship, if any, to the Claimant:
Claimants Thomas Plinio and Gina Plinio reside in Fairfield New Jersey with their minor children, who have no relevance to the incidents giving rise to the tort claims notice.

2. Provide all addresses of Claimant for the last 10 years, the dates of the residences

Claimant Union Beach Social Restaurant, LLC has leased 910 Union Avenue, Union Beach NJ 07735 since September 2015 and has been operating a bar/restaurant there since November 2015.

Claimants Thomas Plinio and Gina Plinio have had their business address at 910 Union Avenue, Union Beach NJ 07735 since November 2015. Claimants Thomas and Gino Plinio maintain their personal residence at 163 Sand Road, Fairfield NJ 07004 and have lived there for the past nine (9) years.

INFORMATION ON ALL CLAIMS

3. Provide the exact time and place of the incident forming the basis of the claim and the weather conditions prevailing at the time.

Union Beach Social Restaurant, LLC t/a U.B. Social, 910 Union Avenue, Union Beach NJ 07735, period of April, 2016 through the present

4. Provide Claimants' complete version of the events that form the basis of the claim.

During the period of April, 2016 through the present, the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin of the Union Beach Police Department and Mayor of Union Beach Paul Smith participated in a campaign of repeated and systematic harassment of U.B. Social, its owners, employees, customers and patrons, through conditions/restrictions imposed upon Claimants' liquor license, through inappropriate and unlawful charges for off duty police officers, constant police harassment of the Bar and its customers at 910 Union Avenue, Union Beach New Jersey, failure to address or respond to complaints made with respect thereto, and through Council actions taken at council meetings held at 650 Poole Avenue Union Beach, New Jersey, all of which deprived U.B. Social and its owners of their protected liberty and property interests without due process and caused them significant monetary damage.

By way of background, 910 Union Avenue, Union Beach New Jersey (hereinafter "910 Union Avenue") has been operated as a bar for approximately the last 70 years.

In September of 2015, Thomas and Gina Plinio (hereinafter the "Plinios") executed a ten (10) year lease for 910 Union Avenue, Union Beach New Jersey and Union Beach Social Restaurant, LLC t/a U.B. Social (hereinafter "UB Social") purchased the liquor license associated therewith and required to operate a bar thereon. UB Social's sole members are the Plinios.

From September 2015 through November 2015 UB Social and the Plinios made significant and costly improvements to 910 Union Avenue. In November 2015, once the improvements and renovations were complete, UB Social opened as a Bar/Restaurant.

Immediately upon opening, UB Social was busy and successful.

In or around April 2016, Sergeant Woodrow of the Union Beach Police Department came into UB Social and asked the bartender to have Thomas Plinio call him for a meeting. Thomas Plinio called Sergeant Woodrow as requested, and a meeting was scheduled and held shortly thereafter in April 2016 with Thomas Plinio, the General Manager of UB Social Kristi Reinters, Sergeant Woodrow and Chief Charles Ervin of Borough of Union Beach Police Department (the "April 2016 Meeting"). During the April 2016 Meeting it was explained to Thomas Plinio by Chief Ervin that the Borough of Union Beach and the Mayor of Union Beach had received noise complaints from UB Social's neighbors that "had to be dealt with". During the April 2016 Meeting, Chief Ervin further suggested that UB Social's promoter was bringing in the wrong "clientele" and "element" (implicitly referring to the race of UB Social's patrons), most of the promoter's clientele were African American, and that it was up to he (Chief Ervin) and the Council to review and vote on renewal of UB Social's liquor license.

After the April 2016 meeting, UB Social and the Plinios took specific steps to address the noise complaints and the issues of bringing in the "wrong clientele". Specifically, UB Social insulated the premises, added soundproofing to the windows and doors, hung a noiseproofing barrier in the outside area, put up large and visible signs throughout the Bar requesting that its patrons respect its neighbors and enter and exit quietly, and sent pictures of the same to the Union Beach Police Department. UB Social also addressed the "clientele" issue raised by Chief Ervin by terminating the promoter it was using.

In or around the beginning of May 2016, Chief Ervin came into UB Social and reviewed and commended Thomas Plinio on the steps taken to address the noise complaints. During this visit Chief Ervin commented that the neighbors were still unhappy and "don't like the blacks coming into the bar". However, there had been no violations received by UB Social, and no police reports had been issued regarding the same.

The Plinios discussed the continued issues raised by Chief Ervin with the landlord of 910 Union Avenue, Steven Gross, who was personal friends with Mayor Smith. Mr. Gross then arranged a meeting between Thomas Plinio and Mayor Smith. The meeting arranged by Mr. Gross took place on or about May 17, 2016 at Mayor's Smith's house and was attended by Thomas Plinio, Mayor Smith and Chief Ervin. During this meeting, Mayor Smith told Thomas Plinio that he would discuss the noise complaints with the neighbors and would explain to the neighbors that they would have to deal with some noise "because they live next to a bar".

On or about June 14, 2016 UB Social and Thomas Plinio received a letter notice from the Clerk of the Borough of Union Beach setting a Special Council Meeting for June 30, 2016 to discuss the renewal of UB Social's liquor license. The renewal deadline for UB Social's liquor license was also June 30, 2016, the same date as the special council meeting scheduled to discuss the renewal. Thomas Plinio contacted the Borough Clerk and requested that the special council meeting be convened before June 30th, as that was the same date as the liquor license renewal,

but said request was refused.

Upon receipt of the notice scheduling the special council meeting for June 30, 2016 and the Clerk's refusal to schedule the meeting sooner, Thomas Plinio contacted UB Social's landlord, Mr. Gross to advise him of the same. Mr. Gross explained to Thomas Plinio that he spoke to Mayor Smith, that Mayor Smith assured Mr. Gross that the Borough would be renewing UB Social's Liquor License, that the special meeting was called simply to appease the neighbors, and the Mayor further suggested that Thomas Plinio come to the special meeting without a lawyer, because if he comes with a lawyer "it would look worse".

As suggested by Mayor Smith, on June 30, 2016 Thomas Plinio appeared at the scheduled special council meeting without his attorneys, and without any legal counsel. The Special Council Meeting, was attended by Council Members Perrella, Wicki, Roche, Williams, Andreuzzi, and Cocuzza, Mayor Smith, Borough Clerk Anne Marie Friscla, Borough Attorney John T. Lane, Jr., and various members of the public who lived near and around UB Social. See transcript of June 30, 2016 Special Council Meeting attached hereto as Exhibit 1. As the transcript of the June 30, 2016 Special Council Meeting provides and the Borough Attorney stated "the principal reason tonight [for the meeting] [wa]s the renewal of the License for the Union Beach Social Restaurant and Bar for the period of July 1[2016] through June 30 [2017]." During said June 30, 2016 Special Council Meeting, 8 members of the public spoke to address their issues and concerns with UB Social, including noise, parking, smoking outside of the Bar, whether the outside bar was properly permitted, and concern for the "men of color" walking on the streets near the bar. Thomas Plinio was given an opportunity and did respond to each of the concerns raised, clearly explaining that all spaces, including the outside bar were properly permitted and provided evidence of the same, and that he had taken steps to curb the noise, parking and other issues raised. After hearing the public and based on the concerns they raised, the Borough Attorney and Council decided to apply 4 specific restrictions to UB Social's Liquor License, including the following: (1) The Outside Bar was required to close at 10:00 pm on Weekdays and 11:00 pm on weekends; (2) special signage was required to be placed at the door reminding patrons that the bar has neighbors that live nearby and to be quiet while walking to their cars, to not litter on neighbors lawns, and before leaving to use the restroom facilities; (3) Required installation of 4 cameras, 2 inside and 2 outside, within 30 days with video and audio recording and a 30 day retention which should allow for immediate viewing by the Police if requested; and (4) requirement that a uniformed off-duty police officer be at the door from 9:30 pm to 2:30 am Fridays and Saturdays and that said officer shall be secured from the Union Beach Police Department. See Transcript attached as Exhibit 1 and June 30, 2016 Resolution 2016-123, attached hereto as Exhibit 2.

During said June 30, 2016 Special Council Meeting Thomas Plinio specifically requested that he be given an opportunity to have legal counsel review the restrictions before they were imposed, which was refused, and kept reiterating that these restriction were being imposed at the eleventh hour before the renewal deadline expired and he was not being given due process, to which the Borough Attorney responded that the restrictions were going to be imposed, and Mr.

Plinio could appeal the restrictions. See Transcript attached as Exhibit 1. In no uncertain terms, UB Social was told to accept the restrictions, or the Liquor License would not be renewed, which would cause the bar to be shut down that day at 12:00 a.m. See transcript attached as Exhibit 1. At 10:00 p.m. on June 30, 2016 the Borough Clerk appeared at UB Social with the Liquor License and 4 new restrictions imposed thereon. A copy of the Liquor License with the newly imposed restriction is attached as Exhibit 3.

Upon receipt of the Renewed Liquor License with the 4 stated restrictions, UB Social immediately complied by closing the Outside Bar at 10 m on weekdays and 11:00 pm on weekends, installing the signage required, and installing the 4 cameras, 2 inside the bar and 2 outside the bar. Also, in an effort to comply with the 4th restriction of a uniformed off-duty police officer provided by the Union Beach Police Department stationed at the door on Friday and Saturday nights, Thomas Plinio contacted the Borough Clerk to arrange for the execution of a contract with the Union Beach Police Department, as required by the rules and regulations of the New Jersey Alcoholic Beverage Control (hereinafter "ABC"). The Borough Clerk advised Thomas Plinio that the Borough would be passing an ordinance regarding stationing the uniformed off duty officers and would provide a contract to him regarding the same. However, no ordinance was passed and no contract was ever provided by the Borough of Union Beach and/or the Police Department of Union Beach.

On or about July 7, 2016 Union Beach Police Chief Ervin came into UB Social at approximately 2 p.m. During this visit Chief Ervin explained to Thomas Plinio, that there would be a police officer stationed at the door of UB Social, that he was negotiating the terms with the Police Union for the hours of 10:30 p.m. to 2:30 a.m. and that he would get back to Thomas Plinio with a contract. Despite this representation, neither The Borough of Union Beach, nor the Union Beach Police Department, nor Chief Ervin ever provided UB Social with a contract for the off-duty police officers. Also during this visit, Chief Ervin commended Thomas Plinio for severing UB Social's relationship with its promoter Mark Wilks and stated "it was best because all he did was bring a black element to the bar".

Shortly thereafter, Thomas Plinio was advised by some of the neighbors of UB Social, by Union Beach Borough Councilman Charles Cocuzza, that they felt bad about the restrictions, that they were not warranted, that they knew the restrictions were affecting UB Social's business, and that they were working towards getting the restrictions lifted. On or about August 5, 2016, UB Social and Thomas Plinio received a letter notice from the Clerk of the Borough of Union Beach setting another Special Council Meeting for August 18, 2016 to discuss the restrictions placed on UB Social's liquor license. The August 18, 2016 Special Council Meeting, was attended by Council Members Perrella, Wicki, Roche, Williams, Andreuzzi, and Cocuzza, Mayor Smith, Borough Clerk Anne Marie Friscla, Borough Attorney John T. Lane, Jr., Borough Administrator Robert Howard, Jr., Thomas and Gina Plinio and various members of the public who lived near and around UB Social. See transcript of August 18, 2016 Special Council Meeting attached hereto as Exhibit 4. As the transcript of the August 18, 2016 Special Council Meeting provides and the Borough Attorney stated, the liquor license renewal was passed and the

restriction took effect immediately and were satisfied by UB Social with the exception of the requirement of the off duty police officers on Fridays and Saturdays, as the Borough "did not have a written policy prior and one had to be drafted" relating thereto and had to be "finalized with the PBA." See Exhibit 4.

During said August 18, 2016 Special Council Meeting Thomas Plinio specifically requested that the restrictions regarding the installation of a uniformed off duty police officer of Union Beach Police Department and early closing times be lifted. He explained that the installation of the uniformed police officer would put a strain on his business and the bar could not afford the expense. Again the restrictions were opened for public comment and a few neighbors of UB Social voiced their concerns about, noise, parking, and permits, and others made oblique references to the race of UB Social's customer base stating "it looks like Compton around the bar". Interestingly this comment and reference to "Compton" was omitted from the written transcript of the Special Council Meeting. After hearing the public comment the Borough decided that the restrictions applied to UB Social's Liquor License would not be lifted or removed.

On or about August 19, 2016, at approximately 9:30 a.m., Thomas Plinio called the Borough of Union Beach Clerk and the Borough of Union Beach Administrator and told them that UB Social needed a contract for the Police Officers to be assigned to the door, per the restrictions imposed on UB Social's Liquor License, so that UB Social could put the Police Officers and the Borough of Union Beach on UB Social's insurance and inform the state ABC, as required by ABC's rules and regulations. The Borough of Union Beach Clerk and Administrator advised Thomas Plinio that the Borough was going to hold a meeting because it had to pass an Ordinance to have a Police Officer at the door, and that he and UB Social would be informed and invited to the meeting. UB Social and the Plinios never received a contract from the Borough of Union Beach and/or the Union Beach Police Department, and the Borough of Union Beach did not conduct such a meeting, nor did it invite UB Social and/or the Plinios to such a meeting. Further, UB Social is not aware of any ordinance being passed regarding the same.

Both before and immediately following the August 18, 2016 Special Council Meeting, the Union Beach Police Department, commenced a systematic practice of harassing UB Social and their customers and violated their equal protection and due process rights and privileges, and have used legal process with the ulterior purpose of financial benefit.

More specifically, the Union Beach Police Department immediately began stationing marked police cruisers in UB Social's parking lot, directly in front of the bar's entrance/exits, and directly across the street from UB Social for hours at a time, forcing UB Social's customer's to walk around the police cruisers to enter and exit the bar.

By way of example, on August 19 and August 20, 2016, the Union Beach Police Department stationed 2 police cars in UB Social's parking lot and two police officers outside UB Social's patio bar on Cambridge Avenue from 10 p.m. to 2 a.m.. On those dates, the on duty

Police Officers stood outside of the patio bar harassing UB Social's customers. On both nights Thomas Plinio asked the on-duty police officers if the Police Department had received any complaints and the police officers said that they had not received any complaints. By way of another example, on August 26, 27, 28, and 29, 2016 and September 2 and 3, 2016, there were two marked police cruisers stationed in UB Social's parking lot each night, with police officers inside. The police officers would routinely sit in their marked police cruisers parked directly in front of UB Social's patio entrance/exist and would harass UB Social's customers telling them to stop smoking, to go inside or to leave the bar. This practice caused UB Social to loose a substantial amount of business. Upon information and belief, the Borough of Union Beach and the Union Beach Police Department have not stationed uniformed police officers and marked police vehicles directly outside of any other alcohol serving establishment in the Borough of Union Beach.

In addition, Union Beach Police Officers began consistently and repeatedly stopping, interrogating and harassing UB Social's customers and employees as they entered and left the Bar, without legal justification. They repeatedly pulled cars over that were exiting the UB Social parking lot. By way of example, Roy Raggi, an African American bartender at UB Social, was pulled over as he exited UB Social's parking lot and was issued 5 tickets for various traffic violations, 4 of which were dismissed when he contested them. Upon information and belief, the Borough of Union Beach and the Union Beach Police Department have not allowed officers to stop, interrogate or harass patrons of other alcohol serving establishments in the Borough of Union Beach.

Further, Union Beach Police Department was issuing an inordinate number of parking tickets to UB Social employees and customers, who were parked in the UB Social private parking lot, and in legal parking spaces surrounding UB Social. As just one example, on or about September 17, 2016, Gabby White, a waitress at UB Social, was issued a parking ticket while parked in UB Social's parking lot for illegal parking. By way of another example, on Wednesday July 20, 2016 at approximately 8:30 pm, UB Social customer Lisa Lopez parked her car in a legal parking space on the street in front of a house near UB Social. Despite the fact that Ms. Lopez was parked in a appropriate street parking space and had since moved her vehicle into UB Social's parking lot, 2 police officers arrived at and entered UB Social and started questioning all of the bar's patrons as to who was the owner of the blue Audi vehicle (that had been previously parked on the street but at the time they entered was parked in UB Social's parking lot). The bar's customers began complaining about the police harassment and left the bar. In the 70 years that a bar/restaurant had been in business at the UB Social location, its employees and patrons never received parking tickets while parked in the bar's private parking lot, and/or the legal parking spaces surrounding it. The Union Beach Police Department's repeated, consistent, and systematic practice of issuing parking tickets to UB Social's customers and employees legally parked in private parking lots and public parking spaces has caused Claimants to loose a substantial amount of business.

In or around September 2016, Gina Plinio contacted the Union Beach Police Department to complain of the unnecessary police presence, the harassment and ticketing of UB Social's customers and employees, and the effect these actions were having on UB Social's business, and spoke with Chief Ervin, who explained that "he would have a talk with the officers". Gina Plinio's complaints did nothing to curb the continued harassment by the Union Beach Police Department of UB Social's patrons and employees. The Borough of Union Beach, the Union Beach Police Department, and Chief Ervin took no action whatsoever in response to Gina Plinio's complaints, and by doing nothing communicated a message of approval of the police harassment. The non-response to Gina Plinio's allegations and complaints reflected a policy of deliberate indifference to the constitutional rights of the Borough's inhabitants, particularly the Claimants herein.

Also, in or around September 2016, despite the fact that no ordinance or written policy was passed or provided to UB Social, that no contract was ever executed by and between the Borough of Union Beach and/or the Police Department of Union Beach and UB Social, as required by the ABC rules and regulations, and that no uniformed off duty police officers were ever stationed at the door of UB Social, the Borough of Union Beach Police Department sent an invoice to UB Social for \$3360, for a police officer for 4 hours on each of August 19, 20, 22, 26, and September 2, 3, 9, 10, 16, 17, 23, 24, 30, and October 1, charging \$60 per hour for various off-duty officers. A copy of the Bills and Invoices received from the Union Beach Police Department are collectively attached as Exhibit 5.

In addition, in or around September 2016, Detective Washburne of the Monmouth County Prosecutors Office contacted UB Social and explained to Thomas Plinio that he received several anonymous tips and was doing an internal affairs investigation of the Union Beach Police Department relating to allegations that the Union Beach Police Department was improperly and illegally charging UB Social (and others) for off duty police officers that were actually on-duty at the time they were being represented and charged as off duty, and allegations that the Union Beach Police Officers were being incentivised to issue DUIs to UB Social customers, as it was alleged that officers were told that they would be paid both off duty compensation and regular shift wages if they issued DUIs to persons leaving UB Social. Detective Washburne suggested that UB Social forward any invoices received from the Union Beach Police Department and asked Thomas Plinio to hold off making payment on the invoices received. As requested, Thomas Plinio forwarded to Detective Washburne the Invoices he received from The Borough of Union Beach. See Fax cover sheet to Detective Washburne from Tommy Plinio enclosing the invoices received from the Borough of Union Beach (produced without attachments), attached as Exhibit 6.

After the first Invoice was sent by the Union Beach Police Department for the off-duty police assignment and was not paid by UB Social, the Union Beach Police Departments' campaign of harassment of UB Social and their customers got exceedingly worse, with more and constant police presence in and around UB Social, more questioning and interference with UB Social's business and customers, more ticketing, and more stopping of cars leaving UB Social.

By way of example, on Sunday October 2, 2016 at 9:10 p.m. Officer Chris Tuberian of the Union beach Police Department walked into UB Social, which was had approximately 65 patrons at the time, and began yelling at the bartender Ryan O'toole in front of customers to "come outside" that there was complaint that a couple was arguing down the block and that he was "shutting this bar down". When the customers heard this they left UB Social. In fact, the couple that had been arguing down the street, were never in and were not patrons of UB Social. By way of another example, on November 23, 2016, Thanksgiving Eve night, which is one of the busiest nights of the year for bar establishments, the Union Beach Police Department had 3 marked police cruisers on UB Social's parking lot, 3 police officers standing in UB Social's parking lot harassing and demanding identification from UB Social's customers when they entered and exited the bar, from approximately 10:30 p.m. to 1:30 a.m., which directly and proximately caused patrons to leave.

By this point, UB Social was routinely receiving facebook messages and posts from customers complaining about the police presence and harassment at the Bar. Copies of samples of the facebook posts and messages received from UB Social patrons are attached as Exhibit 7.

On or about November 21, 2016, UB Social received a letter from the Borough of Union Beach Attorney John Lane, Jr., stating that the Borough of Union Beach was attempting to collect a debt of \$5520 for "Off-Duty Police Officers that provided security at your establishment from August, 9, 2016 until November 5, 2016. You have been billed monthly during this period. The presence of these officers is mandatory per a condition of your Plenary Retail Consumption License issued pursuant to Resolution 2016-123." It further provided, in relevant part, that UB Social "must contact Robert Howard, Borough Administrator to make an arrangement to pay your arrearages within 30 days of this letter and remain current on these charges thereafter. While it is not our intention to close your establishment, if you fail to pay these invoices or to make an arrangement you will force the Borough to cease providing these Off-Duty Officers. If you fail to have these officers present you will be violating the conditions of your license and the Borough can take actions against your license including but not limited to closing the establishment to liquor sales up to and including revocation of your Conditional Plenary Retail Consumption License." A copy of the November 21, 2016 letter from Attorney Lane is attached as Exhibit 8.

Upon receipt of the foregoing, Thomas Plinio spoke to Steven Gross, UB Social's landlord, who spoke to Mayor Smith. Steven Gross recounted that Mayor Smith suggested that UB Social write a "hardship letter" to the Borough of Union Beach Council to encourage a lifting of the restrictions imposed on the Liquor License. Heeding to Mayor Smith's suggestion, on November 21, 2016 Thomas Plinio submitted a letter to Mayor Smith and the Union Beach Town Council, stating in relevant Part:

I am humbly submitting this letter as a notification of hardship that this board has burdened my business with. At the meetings held in June and August of 2016, it was decided that I must pay a police officer to stay at my business during my busiest hours. This regulation was imposed with no precedent of ever having been done at

any competing establishments with similar business models and is thus discriminatory in nature. Ironically, the same board imposing this regulation was instrumental, even persuasive in drawing me into this business, promising cooperation and assistance in getting my business up and running as it was considered a useful and necessary addition to the community. Less than a year later, along with other restrictions on my liquor license, this regulation was imposed and effectively takes my business from being modestly profitable to operating in the red on a monthly basis to pay for this unnecessary service that none of my competitors are similarly burdened with.

In lieu of taking legal action as a first step, I am requesting this board reconsider this unfair requirement of my business and remove this obligation so that I can keep my business operating in the community. If my request is rejected, I will be forced to explore my legal options and likely to close the business down due to financial hardship which I can provide documentation to prove.

I am hopeful that this letter renews our past discussions that were instrumental in my becoming part of this community and providing a service this board requested I provide in the aftermath of Hurricane Sandy that devastated the local economy. It is my intention to remain a contributing part of Union Beach through the jobs I have created, the services I provide and the taxes I pay and continue to do my best to be a good corporate citizen and neighbor. I leave it in your hands to decide whether you will allow me to continue in these capacities.

A copy of Thomas Plinio's November 21, 2016 "hardship" letter to Mayor Smith and the Borough Town Council is attached as Exhibit 9.

As suggested by Detective Washburne of the Monmouth County Prosecutors Office, UB Social did not pay the invoices from the Borough of Union Beach for the Off-Duty security services (which were never actually provided).

On or about December 17, 2016, Chief Ervin appeared at UB Social with a copy of a December 19, 2016 letter from the Borough Attorney John Lane and told UB Social's bartender "if this is not paid I am shutting you down". The December 19, 2016 letter from Attorney Lane stated in relevant part:

This letter is a follow-up to my letter of November 21, 2016 seeking to collect \$5,520 for off-duty police officer invoices. To date, you have failed to make arrangements to pay your arrearages. Therefore, effective Thursday, December 22, 2106, the borough will not provide an off-duty police officer for your establishment.

This letter is a formal notification to you that if no uniformed off-duty police officer is stationed outside your facility from 9:30pm to 2:30am on Friday December 23,

2016 and Saturday December 24, 2016 and each and every Friday and Saturday night thereafter, you will be subject to disciplinary proceedings pursuant to N.J.A.C. 13:2-1.9 et seq. for each and every Friday and Saturday.

A Copy of Attorney Lane's December 19, 2016 letter is attached as Exhibit 10.

On or about December 20, 2016, Thomas Plinio contacted the Borough of Union Beach Attorney John Lane to discuss Attorney Lane's December 19, 2016 letter and Chief Ervin's threat that "UB Social was going to be shut down". During Thomas Plinio's telephone conversation with Attorney Lane, Attorney Lane confirmed that if the Borough's invoices for the "off-duty police services" were not immediately paid, the Borough of Union Beach would immediately shut UB Social down.

In response, and on the same date, both Thomas Plinio and UB Social's Attorney, Robert Carter Pierce, Esquire wrote separate letters to Attorney Lane and the Borough of Union Beach.

Attorney Pierce's December 20, 2016 letter to Attorney Lane stated in relevant part:

I represent the Union Beach Social Restaurant and Bar, LLC and their respective owners, Mr. Thomas Plinio and Mrs. Gina Plinio concerning the special conditions imposed upon their liquor license by the Borough on June 30, 2016. My clients opened their restaurant on November 1, 2015. The liquor license was up for renewal on July 1st and the Borough conducted a special meeting concerning the re-issuance of the license the night before.

The Borough imposed four special conditions upon the license, which included the following:

There shall be a uniformed off-duty police officer outside the door from 9:30 p.m. until 2:30 p.m. Friday and Saturday. Said officer shall be secured through the Borough of Union Beach, if possible.

This condition was presented to my clients for the first time at the meeting at the request of the neighbors. Please note that the property is located in a commercial zone. This type of condition is unprecedented at this location, which has been a bar/restaurant for 70 years and seems to have been imposed because of the increased presence of African American patrons since my clients' recent ownership of the restaurant. In addition, it imposes a substantial cost upon the owners, without the option of hiring private security with a far less cost. The condition was also presented on the day before the liquor license was to expire, leaving the owners with no option but to agree to the terms. Most importantly, the presence of uniformed police deters patrons from frequenting the establishment. Recently, the police have been appearing at the bar for no reason, which deters patrons from

frequenting the establishment. In addition, my client is not in contract with the police department in any fashion and, as such, the police security officers are not on the Restaurant's liability insurance policy.

I am requesting the Borough to call a special meeting to revisit the imposition of special condition #4 (uniformed police security from the Union Beach Police Dept.) to determine the following:

- (a) Whether the Borough has the authority to require a business owner to hire off-duty Borough police officers for security as a condition precedent for the Borough to renew a Borough liquor license?
- (b) Whether the restaurant is permitted to hire private security instead of using Borough police officers?
- (c) Whether police security is required?
- (d) Whether the Borough has the authority to terminate the liquor license for alleged non-payment of fees?

I acknowledge that these issues will be raised at the time of the re-issuance of the license in June 2017. However, there was supposed to have been a town counsel meeting to pass the details of these conditions within two months. The meeting did not occur. I bring this to the attention of the Borough at this time because of the significant cost imposed upon my clients going forward. Therefore, I am requesting relief at this time.

A copy of Attorney Pierce's December 20, 2016 letter to Attorney Lane is attached as Exhibit 11. Despite Attorney Pierce's letter request, the Borough did not call or have a special meeting to revisit the imposition of the condition/restriction applied to UB Social's Liquor License.

Also, on December 20, 2016, Thomas Plinio wrote a letter to Attorney Lane and the Borough Administrator Robert Howard, and stated in relevant part:

Attached please find my attorney's response to your attempts to collect fees from my business for what were supposed to be off-duty police officers assigned to be present at my establishment. On the advice of said attorney, I have not made payment on your requests to date because I was contacted in October, 2016 by the Monmouth County Prosecutors Office regarding an open criminal investigation into the Borough of Union Beach, Police Department of Union Beach, Town Council of Union Beach, the Borough Clerk, Borough Attorney and Borough Administrator. That investigation includes the services you are attempting to charge me for and I was informed you would be notified of this investigation imminently.

It is my intent to monitor the progress of this case as I will be bringing a civil case against of the above mentioned parties for all restrictions imposed on my liquor

license, all lost income and all actions taken against my business and against me personally, both past and future in retaliation for my actions noted here. Until this case develops, I will not be making any of the requested payments.

A copy of Thomas Plinio's December 20, 2016 letter to Attorney Lane and Borough Administrator Robert Howard is attached as Exhibit 12.

By this point, and as a direct and proximate result of the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin of the Union Beach Police Department and Mayor of Union Beach Paul Smith's actions and omissions described above, which include but are not limited to violations of 42 U.S.C. § 1983, the Fourth, and Fourteenth Amendments of the United States Constitution, violations of the New Jersey Civil Rights Act, malicious prosecution/malicious abuse of process, defamation/commercial disparagement, negligent hiring/training/supervision of police officers, tortious interference with economic advantage and infliction of emotional distress, UB Social's business had dropped so significantly that it was unprofitable and was losing money and must now be sold at a loss. As a further direct and proximate result of the acts and omissions of the Borough of Union Beach, the Police Department of Union Beach, Chief Charles Ervin of the Union Beach Police Department and Mayor Paul Smith, Claimants have suffered a severe loss of income, which continues to this day, and will continue into the future, a substantial impairment of their earning capacity and power, great financial losses and expenses, mental anguish, embarrassment, and humiliation.

5. List any and all individuals who were witnesses to or who have knowledge of the facts of the incident that gave rise to the claim. Provide the full name and address of each individual.

Thomas Plinio
Gina Plinio
Anthony Plinio
Sharon Plinio
Steven Gross
Gabby White
Kristi Reinters
Alexander Aiello
Roy Raggi
Steve Serritella
Vincenza Serritella
Jenna Serritella
Ryan Otoole
Margaret Holtz
Mark Wilks
Mike DeCrosta
Nick Conforti

Irma Conforti
Gary White
Dennis Cleakin
William Omalley
Ray Leonassa
Chief Ervin of the Borough of Union Beach Police Department
Mayor Paul J. Smith, Jr.
Attorney John Lane, Jr.
Borough Administrator Robert Howard
Borough Clerk Anne Marie Friscia
Detective Washburne of the Monmouth County Prosecutors Office
Borough of Union Beach Police Officer Michael Montenegro
Borough of Union Beach Police Officer Deickmann
Borough of Union Beach Police Officer Joseph Russo
Borough of Union Beach Police Officer Donald Higgins
Borough of Union Beach Police Officer Davis
Borough of Union Beach Police Officer Woodhead
Borough of Union Beach Police Officer Calmon
Borough of Union Beach Police Officer Smith
Borough of Union Beach Police Officer Harriott
Borough of Union Beach Police Officer Matthew Gakewski
Union Beach town Council Members

6. Identify all public entities or public employees (by name or position) alleged to have caused the injury or property damage and specify as to each public entity or the employee the exact nature of the act or omission alleged to have caused the injury or property damage.

Borough of Union Beach
Borough of Union Beach Police Department
Mayor Paul J. Smith
Chief Charles Ervin, Borough of Union Beach Police Department
See response to question #4 for the nature of the acts and omissions causing the injuries.

7. If you claim that the injury or property damage was caused by a dangerous condition of property under the control of the public entity, specify the nature of the alleged dangerous condition, and the manner in which you claim the condition caused the injury.

Not Applicable.

8. If you allege a dangerous condition of public property, state the specific basis on which you claim that the public entity was given notice of the alleged dangerous condition. Statements such as "should have known" and "common knowledge" are

insufficient.

Not Applicable.

9. If you or any other party or witness consume any alcoholic beverages, drugs or medications within twelve hours before the incident forming the basis of the Claim, identify the person consuming the same and for each person (a) what was consumed, (b) the quantity thereof, (c) where consumed, (d) the names and addresses of all persons present.

Not Applicable.

10. If you have received any money or thing of value for your injuries or damages from any person, firm or corporation, state the amounts received, the dates, names and addresses of the payers. Specifically list any policies of insurance, including policy number and claim number, from which benefits have been paid to you or to any person on your behalf, including doctors, hospitals or any person repairing damage to property.

Not Applicable. None received.

11. If any photographs, sketches, charts, or maps were made with respect to anything which is the subject to the Claim, state the date thereof, the names and addresses of the persons making the maps and of the persons who have present possession thereof. Attached copies of any photographs, sketched, charts or maps.

Claimants do not have any photographs, sketches charts or maps regarding the subject matter of their claims.

12. If you or any of the parties to this action or any of the witnesses made any statements or admissions, set forth what was said; by whom said; the date and place where said; and in whose presence, giving names and addresses of any persons having knowledge thereof.

In or around November 2016, Thomas Plinio provided a statement to the Monmouth County Prosecutors Office regarding an internal investigation Detective Washbourne was conducting of the Union beach Police Department regarding the charges for and invoices received by UB Social from the Union Beach Police Department for "off-duty" security services.

13. State the total amount of your claim and the basis on which you calculated the amount claimed.

The estimated amount Claimant's damages exceed \$1,000,000, which includes lost profits, lost income, lost opportunities, and expenses.

14. Provide copies of all documents, memorandum, correspondence, reports (including police reports), etc. which discuss, mention or pertain to the subject matter of this claim.

See Exhibits attached hereto.

15. Provide the names and addresses if all persons or entities against whom claims have been made for injuries or damages arising out of the incident forming the basis of this claim and give the basis for the claim against each.

BOROUGH OF UNION BEACH
BOROUGH OF UNION BEACH POLICE DEPARTMENT
MAYOR PAUL J. SMITH
CHIEF CHARLES ERVIN, Borough of Union Beach Police Department
650 Poole Avenue
Union Beach, NJ 07735

PROPERTY DAMAGE CLAIMS

16. If your claim is for property damage, attach a description of the property and an estimate of the cost of repair. If your claim does not involve any claim for property damage, enter "None."

None.

PERSONAL INJURY CLAIMS

17. Was any complaint made to the public entity or to any official or employee of the public entity? State the time and place of the complaint and the person or persons to whom the complaint was made.

Yes. Multiple complaints were made by the Plinios, UB Social employees and patrons, to the Borough of Union Beach, The Borough of Union Beach Police Department, Mayor Paul J. Smith, Chief Charles Ervin, Borough Attorney John Lane, Jr., Borough Administrator Robert Howard, Borough Clerk Anne Marie Friscia, the Borough of Union Beach Council, and to the Monmouth County Prosecutors Office. See Response to #4 above and Exhibits attached hereto.

18. Describe in detail the nature, extent and duration of all injuries.

See responses to #4 and #13 above.

19. Describe in detail any injury or condition claimed to be permanent.

As a result of the acts and omission more fully described in response to question #4, Claimants have been forced to sell UB Social and the Liquor License at a loss.

20. If confined to any hospital, state name, and address of each and the dates of admissions and discharge. Include all hospital admissions prior to and subsequent to the alleged injury and give the reason for each admission.

Not Applicable.

21. If x-rays were taken, state (a) the address of the place where each was taken, (b) the name and address of the person who took them, (c) the date when each was taken, (d) what each disclosed, (e) where and in whose possession they now are. Include all x-rays, whether prior to or subsequent to the alleged injury forming the basis of the claim.

Not Applicable.

22. If treated by doctors, including psychiatrist or psychologist, state (a) the name and present address of each doctor, (b) the dates and places where treatments were, treatments are continuing, the schedule of continuing treatments. Provide true copies of all written reports rendered to you or about you by any doctor whom you propose to have testify on your behalf.

Not Applicable.

23. If you have any physical impairment which you allege is caused by the injury forming the basis of your claim and which is affecting your ordinary movement, hearing or sight, state (Monmouth Claims Manual) in detail the nature and extent of the impairment and which corrective appliances, support or device you use to overcome or alleviate the impairment.

Not Applicable.

24. If you claim that a previous injury has been aggravated or exacerbated, describe the injury and give the name and present address of each doctor who treated you or the condition, the period during which treatment was received and the cause of the previous injury. Specifically list any impairment, including use of eyeglasses, hearing aid or similar device, which existed at the time of the injury forming the basis of the claim.

Not Applicable.

25. If any treatments, operations, or other form of surgery in the future has been recommended to alleviate any injury or condition resulting from the incident which forms the basis of the claim, state in detail (a) the nature and extend of the treatment, operation or surgery, (b) the purpose thereof and the results anticipated or expected, (c) the name and address of the doctor who recommended the treatments operations or surgery, (d) the name and address of doctor who will administer or perform the same, (e) the estimated medical expenses to be incurred, (f) the estimated length of time or treatments, operation or surgery, period of hospitalization and period of convalescence, (g) all other losses or expenditure anticipated as a result of the treatment, operation or surgery, (h) further if it is your intention to undergo the treatments, operation or surgery, please give an approximate date.

Not Applicable.

26. Itemize any and all expense incurred for hospital, doctors, nurses, x-rays, medicines, care and appliances and indicate which expenses were paid by any insurance coverage.

Not Applicable.

27. If employed at the time of the alleged injury forming the basis of the claim state (a) the name and address of the employer, (b) position held and the nature of the work performed, (c) average weekly wages for the year prior to the injury, (d) period of time lost from employment, giving dated, (e) amount of wages lost, if any. List any sources of income continuation of replacement, including, but not limited to, worker's compensation, disability income, social security and income continuation insurance.

Not Applicable.

28. If other loss of income, profit or earnings is claimed, state (a) total amount of loss, (b) give a detailed computation of the loss, (c) the nature and dates of the loss.

See Response to #13 above.

29. If you are claiming lost wages state (a) the date that the employment began, (b) the name and address of the employer, (c) the position held and the nature of the work performed, (d) the average weekly wages. Attach copies of pay stubs or other complete payroll record for all wages received during the year.

Thomas and Gina Plinio were unable to receive wages as a result of the acts and omissions described in response to #4 above.

CERTIFICATION

I hereby certify that the information provided in the attached completed Borough of Union Beach's Official Form for filing claims against the Borough of Union Beach are the truth and are full and complete responses to the questions, to the best of my knowledge.

Signature of Claimants:

TL PL 3/20/17
THOMAS PLINIO, Individually and as (Date)
Member of Union Beach Social Restaurant, LLC t/a U.B. Social

Gina Plinio 3-20-17
GINA PLINIO, Individually and as (Date)
Member of Union Beach Social Restaurant, LLC t/a U.B. Social

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Union Beach Social Restaurant, LLC

t/a U.B. Social, et al.

Plaintiff

v.

Borough of Union Beach/
Union Beach Poice Department, et al.

Defendant

)
)
)
) Civil Action No. 3:17-cv-06856
)
)
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Borough of Union Beach/
Union Beach Police Department
650 Poole Avenue
Union Beach, NJ 07735

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Alan L. Frank, Esquire
Samantha A. Millrood, Esquire
Alan L. Frank Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046
(215) 935-1000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:17-cv-06856

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Union Beach Social Restaurant, LLC

t/a U.B. Social, et al.

Plaintiff

v.

Borough of Union Beach/
Union Beach Police Department, et al.

Defendant

Civil Action No. 3:17-cv-06856

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Mayor Paul J. Smith
Individually and in his capacity as the
Mayor of the Borough of Union Beach
650 Poole Avenue
Union Beach, NJ 07735

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Alan L. Frank, Esquire
Samantha A. Millrood, Esquire
Alan L. Frank Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046
(215) 935-1000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:17-cv-06856

PROOF OF SERVICE

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was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

District of New Jersey

Civil Action No. 3:17-cv-06856

Signature of Clerk or Deputy Clerk

Civil Action No. 3:17-cv-06856

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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_____, a person of suitable age and discretion who resides there,
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☐ I returned the summons unexecuted because _____; or

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: