

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, an application has been filed by Angelinos, LLC t/a El Palacio DePollo, located at 540 Valley Road, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-039-008, for the **2018 – 2019** License Term, which License was obtained by Angelinos, LLC, on May 29, 2012, through a person to person transfer of said License from Duran & Vera, L.L.C., t/a El Rancho, which Licensee had a history of violations and incidents resulting in Special Conditions being attached to its License since the 2005 - 2006 License Term; and

WHEREAS, the West Orange Police Department, due to the extensive enforcement history, repeated quality of life complaints from the neighborhood, and need for extensive police intervention, recommended that the Special Conditions attached to the prior Licensee, Duran & Vera, be carried over to the new Licensee, Angelinos, at least until experience with the operations of the new Licensee makes clear that those Special Conditions, or some of them, can be relaxed without putting the neighborhood at risk and overburdening the Police Department; and

WHEREAS, a public hearing was conducted on May 29, 2012 and no one appeared in opposition to the person to person transfer, and Raymond Armour, Esq. Attorney for the transferee, was present and consented to the Special Conditions attached to the previous Licensee being transferred to the new Licensee; and

WHEREAS, on May 29, 2012, the West Orange ABC Board approved the person to person transfer of Plenary Retail Consumption License #0722-33-039-008, to Angelinos, LLC t/a El Palacio DePollo, with the same Special Conditions attached to its License as had been attached to the previous Licensee and with the understanding and agreement that the same Special Conditions would be continued for the 2012 – 2013 and succeeding License Terms unless and until relaxed or eliminated at a subsequent renewal hearing after providing an opportunity for the Licensee to be heard; and

WHEREAS, by letter dated and sent via regular and certified mail to the Licensee on **May 29, 2018**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2018-2019** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License # 0722-33-039-008, for the **2018-2019** License Term, for Angelinos, LLC, t/a El Palacio DePollo, for the premises at 540 Valley Road, West Orange, New Jersey, subject to continuation of the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

- A. The Licensee shall have last call Sunday, Monday, Tuesday, Wednesday and Thursday at 12:00 a.m. of the following morning, and shall close for business at 12:30 a.m. of the following morning;
- B. The Licensee shall have last call on Friday and Saturday at 12:30 a.m. of the following morning, and shall close for business at 1:00 a.m. of the following morning;
- C. A fully operational video surveillance security system must be in place at the licensed premises including cameras, digital video recording device, personnel to operate them and deployment of each to ensure that the premises, personnel and exterior areas are being videotaped at all times, which videotape must be available to the Police Department, State ABC and any other governmental entity. The Licensee agrees to update, replace, and/or implement any computer system, including monitors, keyboards, towers, and mouses, hardware, including a digital recording device, software, or other improvements or upgrades as may be needed to ensure compliance with the specific mandate set forth herein, the intent of which is to ensure that in the event of any incident on or around the premises that an actual real time videotape exists of the events which occurred without the ability of anyone, accidentally or purposely, to delete or alter the videotape.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant approval to the Township of West Orange of the Special Conditions set forth herein, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange serving as the West Orange Township Board of Alcoholic Beverage Control at their regular meeting held on **July 17, 2018**.

Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board

Susan McCartney, Council President and
ABC Board Chairman

Adopted: July 17, 2018

Approved as to form on the basis of the facts provided:

Karen J. Carnevale, R.M.C., Municipal Clerk