

Roselle Park News

Local Business Lacks Permit To Allow Smoking On Premises

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Cacique Cigars, located at 17 West Westfield Avenue, is a cigar store. A business that attracts cigar aficionados to a social setting to share the experience of smoking and purchasing cigars. The interior is classy and upscale with a lounge in the rear and a welcome addition to the Roselle Park business community. The only issue, the State of New Jersey requires a Tobacco Retail Establishment (TRE) waiver to allow smoking on premises and Cacique Cigars, according to the State and the Board of Health, does not have the required permit.

Such a waiver is set aside for an establishment where, among other things, at least 51% of the business has to do with the sale of tobacco products and where, technically, smoking is permitted for per-purchase sampling.

This is not the first time the business has been lacking the required documentation. The first incident had to do with its Certificate of Occupancy (C.O.) which is needed for any establishment in town to open for business. Having opened in May of this year, a Certificate Of Occupancy was not filed for until May 26th after a violation was filed by the Roselle Park's Construction Office. A C.O. was issued on June 11th.

Roselle Park contracts its Health Department services to Westfield, as do other municipalities in the county and, in July, the Westfield Regional Health Department conducted a random Tobacco Age of Sale Enforcement (TASE) Inspection. It found Cacique Cigars to be in violation of the Smoke Free Air Act by smoking indoors. A walk-in inspection was conducted on July 17th and the Person In Charge, listed as Vincent Rigo, stated that he was aware of the TRE exemption and had filed such paperwork with the New Jersey Department of Health. According to the report, he agreed to provide paperwork to this department for review and approval within two weeks. The Health Department explained that if paperwork not submitted and another complaint was received a ticket would be issued. According to a New Jersey Department of Health spokesperson, the State does not handle TRE waiver exemptions and that the local health department – in this case Westfield – processes TRE applications. The case was closed on August 3rd with no other complaint being filed with the Westfield Health Department even though no copy of a TRE waiver was submitted.

On August 5th, a call was made to the Roselle Park Police Department (RPPD) that people were smoking on the premises. The incident was listed as a 'Hazardous Condition'. The police report

stated that when they spoke to the parties on the scene, the police were told that the establishment had the required permit from the Westfield Department of Health. Filing an OPRA Request with the Health Department revealed that, as of yesterday afternoon, a TRE waiver application has not been filed by Cacique Cigars.

Whether the lack of a TRE waiver was a simple matter of procedural oversight or something else cannot be determined since the person who answered the phone at Cacique Cigars – who declined to provide his name – refused to make any comment on the record other than to say that Vincent Rigo was no longer associated with the business. The man stated that he was an employee and could not speak for the manager or owner. A request was made to have either responsible party contact the newspaper but no call has been returned.

There are several aspects of this issue that raise questions about gaps in the enforcement of municipal and state laws. The municipality was without a Code Enforcement Officer during the period that a C.O. was lacking for the business. A person ‘on-the-street’ – so to speak – would have been able to check on a frequent basis if the municipality’s codes were being kept from by home owners and businesses. It was not until the Code Enforcement Official, Jesse Atwell, visited the establishment at the end of June was it discovered that a C.O. had not been filed. Even if the matter of not applying for a C.O. was due to not knowing that one needed to be filed, a checklist from the Construction Office would have assisted this – or any other business – to find out what required a permit and what paperwork needed to be filled. Secondly, the municipality is not the responsible party to check on TRE waivers, which would have assisted the police when they were called to the premise.

In the end, it is hoped that the necessary application is filed and the TRE waiver is granted so that Cacique Cigars can continue to prosper and succeed while still abiding by necessary regulations to ensure the safety of residents and remove any potential hazardous conditions.

<http://www.roselleparknews.org/local-business-lacks-permit-to-allow-smoking-on-premises/>