

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Special Meeting
January 5, 2012

Joan Palazzo
Julio C. Garcia
Rosendo Jimenez
Board of Alcoholic Beverage Control

**Attest: Milena Castaneda
Board Secretary**

Alcoholic Beverage Control Board
January 5, 2012
Special Meeting

Minutes of a special stated meeting of the ABC Board of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Town Hall, Municipal Chambers, 428 60th Street, West New York, NJ on Thursday, January 5, 2012 at 6:00 p.m.

Present: Chairwoman Joan Palazzo, Board Member Rosendo Jimenez, Attorney Frank Gioia, Sgt. Michael Clement, and Board Secretary Milena Castaneda

Absent: Vice-Chairman Julio C. Garcia

Meeting commenced at 6:00 p.m.

At the request of Board Attorney Frank Gioia, Secretary Milena Castaneda made the following announcement on behalf of the Chairperson:

As presiding officer of this special meeting of the A.B.C. Board of the Town of West New York, held Thursday, January 5, 2012, at 6:00 P.M. in Town Hall, I do hereby publicly announce, and direct that this announcement shall be placed in the minutes of this meeting and that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was transmitted by the A.B.C. Secretary to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall and filed with the Clerk of the Municipality.

Copies are available to the public in accordance with the law.

CORRESPONDENCE

- A. Board Attorney discussed correspondence received from Wm. F. Comly & Son, Inc., and advised that this is an appraisal company requesting information regarding License Number 0912-44-002-005. The Board Secretary was advised to provide the requested information although some of the information would have to come from the Tax Collector

- B. Board Attorney discussed correspondence received from William P. Schey, Esq. asking for discovery and copy of Board resolution imposing the 30 days suspension for his client Ohm Satyam, License Number 0912-33-092-004. Sgt. Clement was asked to review his records and files and provide discovery. The letter also stated that he was confirming that charges was adjourned until the next meeting on January 26, 2012. Board Secretary was directed to comply with requests made by the Attorney.

- C. Board Attorney discussed a letter he sent to the State ABC Director Jerry Fischer concerning appeal filed by Goldberg Realty Consulting, Inc. t/a Lusso Pizza, License Number 0912-069-014. The Licensee was seeking relief from operation of West New York Ordinance 25/11 and the letter from the Board Attorney explained that the Ordinance was not passed or adopted by the West New York ABC and that it should not be a defendant in the Appeal

D. Board Attorney discussed correspondence received from Robert C. Williams, Esq. on behalf of his client Goldberg Realty Consulting, Inc. t/a Lusso Pizza, License Number 0912-069-014 regarding its appeal of West New York Ordinance 25/11.

E. Board Attorney discussed letter of representation received from Post, Polak, Goodsell, MacNeill & Strauchler, PA, on behalf of DGNY t/a Son Cubano, License No. 0912-33-084-004. It was explained that the Licensee had filed an Appeal with the State Director seeking to vacate West New York Ordinance 25/11. Board Attorney stated that he wanted to put on the record that he had a telephone conference on January 4, 2012 with Son Cubano's Attorney – David Epstein, Esq. and among the topics discussed was whether or not there were any open discovery or Open Public Records Act (OPRA) requests from the Licensee. Counsel was going to respond to this inquiry after reviewing all files in his possession. The Board Attorney said that David Epstein, Esq. who represented the Licensee was present at the hearing and would address the Board. Mr. Epstein stated that he did not represent Son Cubano with regard to a Superior Court matter that had been filed in opposition to West New York Ordinance 25/11 but did represent the Licensee with the renewal appeal that it had filed and also with an appeal it had filed with the State Director ABC opposing the Ordinance. He said he would speak to the Attorney who represented the Licensee in the Superior Court case and inquire as to whether or not certain constitutional challenges to West New York Ordinances that had been raised in a November 2011 letter to the Board were going to be filed in Superior Court and would advise Counsel. The Board Attorney recommended that the Board establish January 19, 2012 at 6 PM as the hearing date for charges filed against Son Cubano.

Board Attorney then asked for a motion from the Board to adopt a resolution establishing January 19, 2012 at 6 PM as the special hearing date for charges filed against DGNY t/a Son Cubano, License No. 0912-33-084-004

MOTION TO SCHEDULE SPECIAL MEETING TO HEAR CHARGES FILED AGAINST SON CUBANO ON JANUARY 19, 2012 AT 6 PM

It was regularly moved by Board Member Jimenez, seconded by Chairwoman Palazzo to accept this motion as adopted, which was carried by the following vote:

YEAS: Chairwoman Palazzo and Board Member Jimenez

NAYS: None

ABSENT: Vice-Chairman Garcia

Public Portion

Joseph Pojanowski, Esq. appeared with his client Christine Piscatelli who is a resident of Grandview Condominiums – Apartment 201 which is directly above Son Cubano. Mr. Pojanowski addressed the Board and explained that his client had hired a noise consultant who had drafted a report which was to be provided to the Board and Counsel.

Adjournment of Meeting

A motion was made by Board Member Jimenez, seconded by Charwoman Palazzo, to adjourn the meeting at 6:45 p.m., and this motion was carried by the following vote:

YEAS: Chairwoman Palazzo and Board Member Jimenez

NAYS: None

ABSENT: Vice-Chairman Garcia