

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting
(Regular Session)
December 15, 2011

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

Attest: **Milena Castaneda**
 Board Secretary

Alcoholic Beverage Control Board
December 15, 2011
Regular Meeting

Reference is made to the official transcript of the December 15, 2011 which is incorporated into these minutes by specific reference thereto; if there is any inconsistency between the official transcript and these minutes, the official transcript is deemed to be controlling.

Minutes of a regularly scheduled meeting of the ABC Board of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Municipal Court Chambers, Municipal Building, West New York, NJ on Wednesday, December 15, 2011 at 7:00 p.m.

Salute to the Flag

Present: Chairwoman Joan Palazzo, Vice-Chairman Julio C. Garcia, Board Member Rosendo Jimenez, Attorney Frank Gioia, Sgt. Michael Clement, and Board Secretary Milena Castaneda

Meeting commenced at 7:10 p.m.

There being a quorum, the meeting continued

At the request of Board Attorney Frank Gioia, Secretary Milena Castaneda made the following announcement regarding compliance with the **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Wednesday, December 15, 2011 at 7:00 PM and it is publicly announced and directed that this announcement be placed in the minutes of this meeting that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given and published in the Jersey Journal and Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall and filed with the Town Clerk. Copies are available to the public in accordance with the Law.

DISCUSSION OF AGENDA ITEMS

1. Board Attorney asked the Board to consider Agenda Item B-3, Charges against Sory Liquor

The Board Attorney explained that Alexander Locatelli, Esq. was present and that he represented the Licensee. There were still open discovery issues that had to be resolved. In addition, Prosecutor Caride had a conflict of interest because of former representation of the Licensee and would have to arrange for someone to substitute for her when the case came before the Board. The Board Attorney recommended that the matter be carried until January 26, 2012.

A motion was made for charges to be heard at the January 26, 2012 meeting.

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

2. Board Attorney discussed Agenda Item B-4 charges against Enrobert

The Board Attorney advised that he had been notified by the Prosecutor that Luis Diaz, Esq. had certain documentation that he wished to provide to her that would assist his client. A request was made to carry the matter to the regular meeting in January 2012.

A motion was made for charges to be heard at the January 26, 2012 meeting.

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

3. Board Attorney discusses Resolution 2/12/15/11 Special Ruling/Renewal of Timmy’s Tavern License

The Board Attorney advised the Board that a Special Ruling had been obtained from the State Director regarding renewal of the Timmy’s Tavern License for the 2011-2012 term; he stated that the establishment had been closed since July 2010 and that his review and that of the Police Department was completed and that everything was in order and that the Board could act upon the Special Ruling. He recommended that a resolution be adopted approving the license for renewal for the 2011-2012 term.

A motion was made to approve the renewal application for the 2011-2012 term.

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-2

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
OF THE TOWN OF WEST NEW YORK
APPROVING THE ISSUANCE OF A NEW LICENSE TO
TIMMY’S TAVERN, INC., License 0912-33- 085-003
PURSUANT TO THE TERMS OF A SPECIAL RULING**

RESOLUTION NUMBER: R-2/12/15/11

DATE OF ADOPTION: 12/15/11

TITLE: AUTHORIZE THE ISSUANCE/RENEWAL OF PLENARY RETAIL ALCOHOLIC
BEVERAGE CONSUMPTION LICENSE NUMBER 0912-33- 085-003 AS A NEW
LICENSE

Board Member: Palazzo presents the following resolution.

Board Member: Jimenez seconds the following resolution

WHEREAS, Timmy’s Tavern, Inc. has filed a renewal application for the License Term July 1, 2011 through June 30, 2012 for Plenary Alcoholic Beverage Consumption License No. 0912-33-085-003; and

WHEREAS, said licensee has complied with State law and local ordinances and has received a Special Ruling from the State of New Jersey Department of Public Safety Division of Alcoholic Beverage Control which would permit the renewal and issuance of a “new license” by the local Board in accordance with applicable statute; and

WHEREAS, Licensee has submitted the a proper application and paid the required fees to the Town of West New York and State of New Jersey and has properly advertised its application for renewal in accordance with the provisions of the Special Ruling; and

WHEREAS, the Board Attorney has reviewed said license renewal application and Special Ruling; and

WHEREAS, the Police Liaison Officer has reviewed said license renewal application and Special Ruling and has no objections to renewal; and

WHEREAS, it is now the desire of this Board, without objection, to grant the issuance or renewal of said license; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Alcoholic Beverage Control of the Town of West New York, County Of Hudson, State of New Jersey, as follows:

1. That Plenary Retail Alcoholic Beverage Consumption License Number 0912-33-085-003 issued to Timmy's Tavern, Inc., New Jersey is hereby renewed for the licensing year from July 1, 2011 through June 30, 2012.
2. That upon the adoption of this resolution, the Secretary is directed to forward a certified copy of it to the Licensee and to the New Jersey Division of Alcoholic Beverage Control
4. This resolution shall be effective Nun Pro Tunc to July 1, 2011.

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

	YES	NO	ABSTAIN	ABSENT
Board Members:				
Joan Palazzo	X			
Juan Garcia	X			
Rosendo Jimenez	X			

Correspondence:

1. The Board Attorney advised that a letter of representation had been received by the Board Secretary from the Del Vacchio O'Hara, LLC, regarding an incident involving Son Cubano and Douglas Jaramillo. The Law firm had sent a letter to the West New York Police Department requesting discovery of police reports.
2. The Board Attorney advised that a letter had been received from Attorney Carl Rizzo of Cole Schotz which firm represents Son Cubano. The letter is dated November 4, 2011. The letter deals with amended charges that had been filed against Son Cubano and in it, certain constitutional issues regarding West New York Municipal Ordinances are raised. The Board Attorney advised that the charges against Son Cubano remain open and the Board needed to schedule a hearing date. Mr. Gioia suggested that the Board select from tentative hearing dates in January – January 5, 12 or 19. Mr. Gioia recommended that the earliest date be selected as the tentative date. Mr. Gioia also advised the Board that Cole Schotz-Carl Rizzo no longer represent Son Cubano and that new Counsel is Paul Strauchler, Esq. although the Board has not received formal notice that he had been retained as of yet.

A motion was made to establish January 5, 2012, as the date for the hearing date of Son Cubano charges.

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

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

4. Board Attorney discussed Agenda Item B-3 dealing with charges filed against Licensee Tony's Grocery.

The Board Attorney advised that the Prosecutor and the Licensee had resolved the open charges and that the Licensee would be pleading guilty to Charges 4 and 6 and that the license would be suspended for a Board Attorney has reviewed the charges and at this point he entered into an agreement, if the Board approves it, where Carmen Hernandez's license will be suspended for a total of 20 days, and she will be pleading guilty to charges with a suspension of 10 days for charge # 4, and 10 days for charge # 6. In return, Board Prosecutor would be moving to dismiss 12 charges number 1, 2, 3, and 5. Mrs. Hernandez was advised that she needed to file a 3-page application with the Board Secretary to put her license into inactive status. The Prosecutor explained to the Board that since the license is inactive at this time, the suspension period would begin when the license became active again. The Licensee was advised of her rights with the assistance of a Court certified interpreter and she entered a guilty plea. The remaining charges were dismissed by the Prosecutor.

A motion was made to accept the guilty plea and impose a total of 20 days suspension to commence when the license became active again with the remaining charges to be dismissed.

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

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

5. Board Attorney discussed Agenda Item B-5 dealing with charges filed against Licensee De Cache.

The Board Attorney advised that the Prosecutor stated that she had been in discussion with Mayder Patel of DeCache regarding a resolution of all charges and that he agreed to plead guilty to Charge # 1 which carried a four day suspension to for the period January 5, 6, 7, & 8 2012 and that upon the entry of the guilty plea all other charges would be dismissed.

The Board Attorney asked Mr. Patel if he knew that by pleading guilty voluntarily and explained his rights to him. Mr. Patel indicated he understands and entered a guilty plea. Sgt. Clement advised Mr. Patel that he could not post any signs on the door saying that he is closed for vacation or repairs but can only put a sign that states that he has been closed by the ABC or else put up no sign at all. Mr. Patel indicated that he understood. he cannot put anything on the doors saying, I am closed for vacation or I am closed for repairs.

A motion was made to accept the guilty plea to Charge # 1 and imposition of a four-day period of suspension for the period January 5, 6, 7, and 8, 2012 with all other charges dismissed put before the Board as follows:

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

6. Resumption of discussion by Board Attorney of exposition of status of charges filed against Son Cubano

The Board Attorney resumed discussion of open charges against Son Cubano and advised that an effort had to be made to determine if there remain any open discovery issues and that he was recommending that the January 5, 2012

7. The Board Attorney recommended a brief recess so that the Board Members could review the proposed minutes that had been prepared by the Secretary.

A motion was made at 7:38 PM to go into recess.

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo to go into recess, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

RECESS

8. A motion was made at 7:53 pm to resume the meeting

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

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

THE MEETING CONTINUED

9. The Board discussed the proposed minutes for the June 29, 2011 Special Meeting and October 26, 2011 Regular Meeting. The Board Members indicated that they had read and reviewed the minutes. No motion was made to amend the proposed minutes.

A motion to adopt the proposed minutes as set forth in R-7/12/11/15 was made.

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to approve the minutes for the June 29, 2011 meetings.

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Special Meeting
(Regular Session)
June 29, 2011

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

**Attest: Milena Castaneda
Board Secretary**

Alcoholic Beverage Control Board
June 29, 2011
Special Meeting

Minutes of a Special Meeting of the ABC Board of the Town of West New York, County of Hudson, State of New Jersey, held at Hudson Hall Community Center, Second Floor, 6108 Hudson Ave, West New York, NJ, Commencing at 7:00 PM

Present: Board Members Rosendo Jimenez, Joan Palazzo and Julio Garcia

Acting Board Attorney Joseph DeMarco and Sgt. Michael Clement

Pledge to the Flag at 7:30PM

Open Public Meetings Announcement read into the record by Cosmo Cirillo board secretary

Roll call all board members present

Resolutions

Liquor License renewal Applications for the 2011- 2012 term.

Moved by Palazzo for approval, Seconded by Garcia; Motion Passed

Yeas: Rosendo Jimenez, Joan Palazzo and Julio Garcia

Nays: None

At the request of the Board Attorney motion was made by Palazzo to adjourn for a brief recess to allow the parties to discuss the place to place transfer application by Goldberg Realty. Motion to adjourn seconded by Garcia.

Yeas: Rosendo Jimenez, Joan Palazzo and Julio Garcia

Nays: None

Recess

Meeting resumed at 8:00pm at which time the Place to place transfer application for Goldberg Realty Consulting, t/a Lusso's Pizza Bar and Grill was discussed.

Members of the public and the applicant were given an opportunity to speak on the transfer.

Various residents came forth to object to the transfer of the liquor license. Residents voiced concern over the hours of operation, music, outdoor dining, parking and noise. Members from the Waterfront Condo Associations also spoke regarding the quality of life issues as a result of the restaurants and bars in their neighbor. The residents were also represented by counsel who objected to the transfer and requested that a full hearing be conducted. Counsel for the residents raised various procedural issues regarding the application and the hearing.

Applicant was given an opportunity to respond. He described the type of businesses he was trying to open and his desire to be welcomed in the community. Counsel for the applicant also spoke and request the board approve the license without restrictions.

The Board Attorney was asked for his opinion on the matter and advised that the Board could rule on the matter tonight or schedule the matter for a full hearing.

Chairman Palazzo stated that based upon the issues and the concerns raised that the matter should be scheduled for a hearing.

Motion was made by Palazzo to have the application scheduled for a special meeting wherein a full hearing would take place. Motion was seconded by Garcia.

Yeas: Rosendo Jimenez, Joan Palazzo and Julio Garcia

Nays: None

The Board Secretary was requested to schedule the meeting and to have a Court Reporter present on the hearing date

The meeting was opened to the public; no other items were discussed

Meeting was adjourned.

Joan Palazzo, Chairwoman

Julio Garcia, Vice Chairman

ABSENT

Rosendo Jimenez, Member

Board of Alcoholic Beverage Control

Attest: _____

Milena Castaneda

Board Secretary

*The minutes as currently constituted are based on notes provided by Acting Board Attorney Joseph D'Marco; requests have been made to Cosmo Cirillo, who was Board secretary on June 29, 2011 for copies of his notes and/or tape recording of the meeting. The Board reserves its right to amend the minutes as approved upon receipt of such notes and/or tape recording

A motion to adopt the proposed minutes as set forth in R-8/12/15/11 was made

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to approve the minutes for the October 26, 2011 meeting.

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
APPROVING THE MINUTES FOR SPECIAL MEETING OCTOBER 26, 2011

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting
(Regular Session)
October 26, 2011

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

Attest: **Milena Castaneda**
 Board Secretary

Alcoholic Beverage Control Board
October 26, 2011
Regular Meeting

Reference is made to the official transcript of the October 26, 2011 which is incorporated into these minutes by specific reference thereto; if there is any inconsistency between the official transcript and these minutes, the official transcript is deemed to be controlling.

Minutes of a regular 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 Municipal Court Chambers, Municipal Building, West New York, NJ on Wednesday, October 26, 2011 at 7:00 p.m.

Salute to the Flag

Roll Call:

Present: Board Members Julio Garcia, Rosendo Jimenez, Joan Palazzo,

There is a quorum and the meeting continued

Also in attendance:

Board Attorney Frank R. Gioia, Esq., Sgt. Michael Clement, Board Secretary
Milena Castaneda, and Board Prosecutor Gregory Farmer (appearing for
Prosecutor Marlene Caride)

At the request of Board Attorney Frank Gioia, Secretary Milena Castaneda made the following announcement regarding the **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Wednesday, October 26, 2011 at 7:00 PM and it is publicly announced and directed that this announcement be placed in the minutes of this meeting that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given and published in the Jersey Journal, and Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall and filed with the Town Clerk. Copies are available to the public in accordance with the Law.

The Board Attorney advised that a letter of representation regarding charges filed against Licensee Enrobert Bar had been received from the firm of Ledesma, Diaz, Lopez & Noris and that Mr. Diaz was present. Mr. Gioia said that the matter was listed on the Agenda as B-4 for Board action. Mr. Diaz put his appearance on the record and entered a not guilty plea on behalf of his client; Mr. Farmer discussed the charges that had been filed. There was discussion about the request for discovery that had been made and also whether or not municipal charges had been filed in this matter. Mr. Diaz advised that no charges had been filed against his client or its employees in Municipal Court. A recommendation was made by Mr. Gioia that the matter be adjourned until the January 2012 regular meeting and this was accepted by all.

Motion to carry the matter to the January 2012 regular meeting made by Board Member Jimenez; seconded by Board Member Garcia. All in favor and the motion carried.

The Board Attorney discussed B-2, Special Ruling for Ohm Satyam and advised that the State Director had approved the Licensee's request to have the license reinstated and renewed but that the Licensee had not advertised yet. In addition, there are open charges against this license which have to be addressed. Mr. Gioia advised that he had spoken to Mr. Shey who represents the licensee and explained this to him. Mr. Gioia recommended that the matter be carried to the next regular meeting.

Motion to carry the matter to the November 2012 regular meeting made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and the motion carried.

The Board Attorney discussed B-3 and advised that this matter involved Licensee Sory Liquors which was represented by Attorney Alexander Locatelli. Mr. Locatelli had contacted Mr. Gioia earlier that day and told him that he did not have advance notice of the meeting and could not attend. Mr. Gioia advised the Board that the matter should be carried to the November regular meeting.

Motion to carry the matter to the November regular meeting made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and the motion carried.

Mr. Gioia discussed B-7 which dealt with scheduling a hearing date for charges filed against Licensee DGNY, Inc., t/a Son Cubano. Mr. Gioia advised that efforts to schedule a special hearing date for early in November had failed because of the open status of requests made by the Licensee for records under the Open Public Meetings Act. Discovery was not yet complete advised Mr. Gioia and he recommended that the Board wait until the OPRA issues were resolved before scheduling hearing dates. John O'Donnell, Esq., Counsel for Grandview I and II, was present and was told that charges against Son Cubano had been amended by the Prosecutor in accordance with procedures agreed upon at the last Board meeting between Counsel and that he would be provided with a copy of the amended charges. Mr. O'Donnell was advised that the recommendation made to the Board was to wait until OPRA issues had been resolved before scheduling a hearing. No further action was taken by the Board regarding B-7.

Mr. Gioia discussed Agenda Item B-5 dealing with charges filed against Licensee D'Cache, Inc. There was no appearance by the Licensee. There was a recommendation that the matter be carried to the November Regular meeting and that the Board Secretary send written notice advising if there was no appearance the Board might act to suspend operations for failure to appear.

Motion to carry the matter to the November regular meeting made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and the motion carried.

Mr. Gioia advised the Board to review the proposed minutes that comprise Agenda Item B-1. He indicated that he certified that the proposed minutes for the June 22, 2012 regular meeting were accurate because he was present at that minute and could attest to that. Mr. Gioia stated that there had been a Special Board Meeting on June 29, 2012 but that that no proposed minutes had been prepared for that meeting because the former Board Secretary had not prepared them before he was replaced as Secretary. Mr. Gioia said that he could not prepare proposed minutes because he had not been present because of illness. He said that requests had been made of the Joseph DeMarco, Esq., who did attend the meeting as Acting Board Attorney and the former Board Secretary Cosmo Cirillo to submit notes for the meeting so that minutes could be prepared. He also stated that Mr. Cirillo had been asked to submit a copy of any tape recording of the meeting he might have in his possession. There was no Court Reporter present at the meeting. Mr. O'Donnell indicated that he was present at the meeting and that no Court Reporter had been present.

There was discussion regarding charges filed against Tony's Grocery. The Prosecutor advised that he had discussed a resolution with the Licensee and that it appeared that the matter could be resolved but the Licensee requested that it be adjourned to next month so that an interpreter could be present. Mr. Gioia explained that the Board Secretary would arrange to have a Spanish interpreter present at the next meeting.

Motion to carry the matter to the November regular meeting made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and the motion carried.

Mr. Gioia then advised the Board that he had reviewed the transcript of the August 11, 2011 which involved the renewal and place-to-place transfer of the Lusso Pizza Bar & Grill license. Mr. Gioia recommended to the Board that the Board act to memorialize the actions that it took

that night by adopting formal resolutions. Mr. O'Donnell objected to the recommendation made by Mr. Gioia on behalf of his client.

R-1

Resolution 1

Re: Goldberg Realty Consulting, Inc.

t/a Lusso Pizza Bar & Grill

10/26/2011/1

Whereas, a Special Meeting of the West New York ABC was held on August 11, 2011 at which time the Board considered the renewal application and place-to-place transfer application of Goldberg Realty Consulting, Inc., t/a Lusso Pizza Bar & Grill; and

Whereas the following motions were duly moved and seconded on that occasion:

1. A motion was made by Board Member Palazzo to approve the place to place transfer of the license based on the measurement of distance made by Sgt. Clement; seconded by Board Member Garcia
2. A motion was made by Board member Palazzo and seconded by Board Member Garcia to approve the renewal of the license
3. A motion was made by Board member Palazzo and seconded by Board Member Garcia not to approve that portion of the application which would license the outside area; only the inside area would be licensed and the Board would reconsider the issue at a future date
4. A motion was made by Board Member Palazzo and seconded by Board member Garcia to permit the hours of operation to be until 2 AM as permitted by applicable Municipal Ordinance
5. A motion was made by Board Member Palazzo and seconded by Board Member Garcia directing the Licensee to replace the original door whether it be a window or closed up with brick but that it had to be removed by September 26, 2011
6. A motion was made by Board Member Palazzo and seconded by Board Member Garcia that music would be permitted only in the inside premises and not outside at this time.

Whereas, it was the intention of the Board that the foregoing be adopted as moved and seconded on August 11, 2011; and

Whereas, the Board has acted since August 11, 2011 in good faith and in the belief that the foregoing motions were in fact appropriately voted upon and adopted by the Board at the August 11, 2011 meeting; and

Whereas, a review of the official transcript of the Special Meeting of August 11, 2011 demonstrates to the satisfaction of the Board Attorney and the Board that the foregoing motions while properly moved and seconded were NOT formally voted upon that evening although the Board members considered that the motions had been adopted and in order to rectify any possible inconsistency regarding the Board's intention and actions;

Resolved that the Board shall act at this time to correct the record so as to insure technical compliance with any rules of order and procedure and that such action shall relate, nunc pro tunc, to August 11, 2011

Moved by Board Member: Palazzo

Seconded by Board Member: Jimenez

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Palazzo, seconded by Board Member Jimenez. All in favor and resolution adopted.

R-2

Resolution 2
Re: Approving the Renewal Application
Of Goldberg Realty Consulting, Inc.
t/a Lusso Pizza Bar & Grill
10/26/11/02

Resolved that the Board approves the renewal application licensee Goldberg Realty Consulting, Inc. t/a Lusso Pizza Bar & Grill, for the 2011-2012 term upon the specific condition that the license which is in pocket status be sited on, or before June 30, 2012 in accordance with the provisions of the Special Ruling issued by the State Director; and further

Resolved that the action taken herein relates back to August 11, 2011

Moved by: Board Member: Jimenez

Seconded by Board Member: Palazzo

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and resolution adopted.

R-3

Resolution 3
Re: Approving the place-to-place application of
Goldberg Realty Consulting, Inc. t/a
Lusso Pizza Bar & Grill
10/26/11/03

Be it resolved that the place-to-place transfer application of Goldberg Realty Consulting, Inc. from pocket status to 40-1 Riverwalk Place, West New York, NJ is approved with regard to the interior premises described in the application only, with hours of operation to be until 2 AM in accordance with applicable Municipal Ordinance and further resolved that the Board adopts the specific finding that the 250 foot exclusion as contained in the applicable Municipal Ordinance does not apply to preclude the location of this license at this address based on the measurement and testimony of Sgt. Michael Clement; and further resolved that the Board agrees to reconsider the licensing of the outside patio area at a future date; and it is further

Resolved that the action taken herein relates back to August 11, 2011.

The Board Secretary is instructed to endorse the license to reflect the site herein approved.

Moved by: Board Member: Palazzo

Seconded by Board Member: Jimenez

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Palazzo, seconded by Board Member Jimenz. All in favor and resolution adopted

R-4

Resolution 4
Re: Removal of Original Main
Entrance Door
Goldberg Realty Consulting, Inc.
t/a Lusso Pizza Bar & Grill
10/26/11/04

Be it resolved that Goldberg Realty Consulting, Inc., t/a Lusso Pizza Bar & Grill is directed to replace or remove the original glass main entrance door of its establishment by either converting it to a window or bricking it up or closing it and that this must be done on, or before, November 30, 2011

Resolved that the action taken herein relates back to August 11, 2011

Moved by Board Member: Jimenez

Seconded by Board Member: Palazzo

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and resolution adopted.

R-5

Resolution 5
Re: Music at 40-1 Riverwalk Place
Goldberg Realty Consulting, Inc.
t/a Lusso Pizza Bar & Grill
10/26/11/05

Resolved that music is to be permitted only in the interior premises located at 40-1 Riverwalk Place, West New York and not in the outside dining area

Resolved that the action taken herein relates back to August 11, 2011

Moved by Board Member: Palazzo

Seconded by Board Member: Jimenez

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Palazzo, seconded by Board Member Jimenez. All in favor and resolution adopted.

R-6

Resolution 6

Re: Music at 40-1 Riverwalk Place

Goldberg Realty Consulting, Inc.

t/a Lusso Pizza Bar & Grill

10/26/11/06

Resolved that Resolution 5 (10/26/11/05) dealing with interior and exterior music at Lusso Pizza Bar & Grill and which relates back to August 11, 2011, is hereby rescinded effective immediately with regard to music in the outdoor patio dining area on the grounds that this Board does not have jurisdiction to establish rules and regulations for areas such as the outdoor patio dining area adjacent to 40-1 Riverwalk Place, West New York, which are not subject to licensing by the Board.

Resolved that the action taken herein relates back to August 11, 2011

Moved by Board Member: Jimenez

Seconded by Board Member: Palazzo

Vote:

Palazzo yeas

Garcia yeas

Jimenez yeas

Motion made by Board Member Jimenez, seconded by Board Member Palazzo. All in favor and resolution adopted.

Mr. O'Donnell reiterated his objection to the approval of the resolutions on behalf of his client.

Action Upon Proposed Minutes

Mr. Gioia advised the Board to take a recess and review the proposed minutes so that they could be voted upon when the Board reconvened.

Motion to take a recess made by Board Member Palazzo and seconded by Board Member Jimenez. All in favor and the motion carries and the Board recessed.

A motion to reconvene was made by Board Member Jimenez and seconded by Board Member Palazzo. The motion carried and the meeting continued.

A motion to adopt the proposed minutes for June 22, 2011 was made by Board Member Palazzo and seconded by Board Member Garcia. All in favor and the motion carried and the minutes were adopted.

A motion to adopt the proposed minutes for July 14, 2011 was made by Board Member Palazzo and seconded by Board Member Garcia. Board Member Jimenez abstained. The motion carried and the minutes were adopted.

A motion to adopt the proposed minutes for July 27, 2011 was made by Board Member Palazzo with the correction that the proper spelling of her last name is "Palazzo" and seconded by Board Member Garcia. Board Member Jimenez abstained. The motion carried and the minutes were adopted.

A motion to adopt the proposed minutes for August 11, 2011 was made by Board Member Palazzo and seconded by Board Member Garcia. Board Member Jimenez abstained. The motion carried and the minutes were adopted.

A motion to adopt the proposed minutes for September 27, 2011 was made by Board Member Palazzo and seconded by Board Member Garcia. Board Member Jimenez abstained. The motion carried and the minutes were adopted.

A motion to adopt the proposed minutes October 18, 2011 was made by Board Member Palazzo and seconded by Board Member Garcia. All in favor and the motion carried and the minutes were adopted.

Public Portion:

Mr. O'Donnell thanked the Board Members for the hard work they perform and that they have always been fair and that people respect the way they operate. The Board Members thanked him for his remarks.

Motion to adjourn made by Board Member Jimenez and seconded by Board Member Palazzo. All in favor and the motion carried.

Joan Palazzo, Chairwoman

Julio Garcia, Vice Chairman

Rosendo Jimenez, Member
Board of Alcoholic Beverage Control

Attest: _____

Milena Castaneda
Board Secretary

10. Board Attorney discussed Agenda Item B-2 dealing with Ohm Satyam's Special Ruling.

The Board Attorney advised that this license has been the subject of the Special Ruling issued by the State Director. The license was not renewed for a number of years. There are open charges against the Licensee involving an alleged undisclosed interest and other violations. Since those charges date back a number of years and were never resolved when the Licensee closed his business they have to be finalized. Mr. Gioia advised that he has told Ohm Satyam Attorney William Schey, Esq. about the open charges and advised him to speak to Sgt. Clement. Sgt. Clement stated that he had spoken to Mr. Schey. Mr. Gioia also advised the Board that he had explained to Mr. Schey that the Licensee had to advertise for a new license and this had been done. The Board Attorney recommended that the matter be listed for review and consideration at the regular meeting in January 2012.

A motion was made for charges to be heard at the January 26, 2012 meeting.

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo schedule this matter for review at the January 26, 2012 meeting and the motion was adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

11. The Board Attorney discussed Resolution Item R-6/12/15/11 regarding the renewal of License Number 0912-33-005-010 issued to KARLA P. ALBUJA for the 2011-2012 license term.

The Board Attorney advised that this license was renewed for the 2010-2011 and was the subject of a Special Ruling from the State Director that would permit the Board to renew the license for the 2011-2012 license term and that all was in order and there were no objections to renewal. He also explained that the renewal would have to contain a condition that the license had to be sited and made active before June 30, 2012.

A motion was made to renew the license for the 2011-2012 with a special condition that it had to be sited and become active before June 30, 2012.

It was moved by Board Member Jimenez, seconded by Chairwoman Palazzo schedule this matter for review at the January 26, 2012 meeting and the motion was adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-6

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
APPROVING THE RENEWAL OF LICENSE NUMBER 0912-33-005-010
ISSUED TO KARLA P. ALBUJA
FOR THE 2011-2012 LICENSE TERM**

RESOLUTION NUMBER: R- 6/12/15/11 DATE OF ADOPTION: December 15, 2011

TITLE: APPROVING RENEWAL OF KARLA P. ALBUJA LICENSE FOR THE 2011-2012 TERM

Board Member Jimenez presents the following resolution.

Board Member: Palazzo seconds the following resolution

WHEREAS, an application has been filed for the renewal of Plenary Retail Consumption License Number 0912-33-005-010, issued to KARLA P. ALBUJA for the July 1, 2011 through June 30, 2012 license term; and

WHEREAS, the submitted application form is complete in all respects, all fees have been paid, and a tax clearance certificate for renewal from the NJ Division of Taxation has been received and no objections to renewal have been filed; and

WHEREAS, a Special Ruling has been received from the State Director regarding this license which permits the Board to take action regarding this license; and

WHEREAS, this License has been in inactive "pocket" status for many years; and

WHEREAS, the Board has determined as a condition of renewal that this license **must become active and sited on, or before the end of the current license year**

NOW, THEREFORE BE IT RESOLVED, that the West New York Alcoholic Beverage Control Board does hereby approve, on December 15, 2011, effective July 1, 2011, the renewal of the aforementioned Plenary Retail Consumption License issued to KARLA ALBUJA upon the condition that the License

becomes active and sited on or before June 30, 2012 and does hereby direct the A.B.C. Board Secretary to endorse the license certificate with said condition and provide the Licensee with the Original License and transmit a certified copy of this Resolution to the State Director.

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

YES NO ABSTAIN ABSENT

Board Members:

Joan Palazzo	x			
Juan Garcia	x			
Rosendo Jimenez	x			

12. The Board Attorney advised that there were two resolutions pertaining to the renewal of License Number issued to Orden Fraternal Unida; one of these identified as R-4/12/15/11 was for the 2010-2011 license term and the other identified as R-5/12/15/11 was for the 2011-2012 terms. He explained that all items were in order and that there were no objections to renewal.

A motion was made to adopt R-4/12/15/11 renewing the license for the 2010-2011 license term.

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to renew the license for the 2011-2012 license term and the motion was adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-4

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
APPROVING THE RENEWAL OF LICENSE NUMBER 0912-31-105-001
ISSUED TO ORDEN FRATERNAL UNIDA
FOR THE 2010-2011 LICENSE TERM**

RESOLUTION NUMBER: R- 4/12/15/11 DATE OF ADOPTION: December 15, 2011

TITLE: APPROVING RENEWAL OF ORDEN FRATERNAL UNIDA CLUB LICENSE FOR THE 2010-2011 TERM

Board Member: Palazzo presents the following resolution.

Board Member: Jimenez seconds the following resolution

WHEREAS, an application has been filed for the renewal of Club License Number 0912-31-105-001, issued to ORDEN FRATERNAL UNIDA for the July 1, 2010 through June 30, 2011 license term; and

WHEREAS, the submitted application form is complete in all respects, all fees have been paid, and a tax clearance certificate for renewal from the NJ Division of Taxation has been received and no objections to renewal having been filed

NOW, THEREFORE BE IT RESOLVED, that the West New York Alcoholic Beverage Control Board does hereby approve, on December 15, 2011, effective July 1, 2010, the renewal of the aforementioned Club License to ORDERN FRATERNAL UNIDA and does hereby direct the A.B.C. Board Secretary to endorse the

license certificate and provide the Licensee with the Original License and transmit a certified copy of this Resolution to the State Director.

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

YES NO ABSTAIN ABSENT

Board Members:

Joan Palazzo	x			
Juan Garcia	x			
Rosendo Jimenez	x			

A motion was made to adopt R-5/12/15/11 renewing the license for the 2011-2012 license term.

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to renew the license for the 2011-2012 license term and the motion was adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-5

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
APPROVING THE RENEWAL OF LICENSE NUMBER 0912-31-105-001
ISSUED TO ORDEN FRATERNAL UNIDA
FOR THE 2011-2012 LICENSE TERM**

RESOLUTION NUMBER: **R- 5/12/15/11** DATE OF ADOPTION: December 15, 2011

TITLE: APPROVING RENEWAL OF ORDEN FRATERNAL UNIDA CLUB LICENSE FOR THE 2011-2012 TERM

Board Member Palazzo presents the following resolution.

Board Member Jimenez seconds the following resolution

WHEREAS, an application has been filed for the renewal Club License Number 0912-31-105-001, issued to ORDEN FRATERNAL UNIDA for the July 1, 2011 through June 30, 2012 license term; and

WHEREAS, the submitted application form is complete in all respects, all fees have been paid, and a tax clearance certificate for renewal from the NJ Division of Taxation has been received and no objections to renewal have been filed

NOW, THEREFORE BE IT RESOLVED, that the West New York Alcoholic Beverage Control Board does hereby approve, on December 15, 2011, effective July 1, 2011, the renewal of the aforementioned Club License to ORDERN FRATERNAL UNIDA and does hereby direct the A.B.C. Board Secretary to endorse the license certificate and provide the Licensee with the Original License and transmit a certified copy of this Resolution to the State Director.

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

YES NO ABSTAIN ABSENT

Board Members:

Joan Palazzo	x			
Juan Garcia	x			
Rosendo Jimenez	x			

13. The Board Attorney advised the Board that an application to place the Timmy’s Tavern license into inactive status had been received by the Board Secretary and that it appeared that all was in proper order. He recommended that the Board approve R-3/12/15/11, which would place the license into inactive status.

Motion was made to adopt R-3/12/15/11 placing this license into inactive/pocket status.

It was moved by Chairwoman Palazzo and seconded by Board Member Jimenez to place this license into inactive status and the motion was adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-3

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
OF THE TOWN OF WEST NEW YORK
APPROVING INACTIVE/POCKET STATUS OF
TIMMY’S TAVERN, INC., License 0912-33- 085-003**

RESOLUTION NUMBER: R-3/12/15/11

DATE OF ADOPTION: 12/15/11

TITLE: AUTHORIZE THE INACTIVE/POCKET STATUS OF
 LICENSE NUMBER 0912-33- 085-003

Board Member: Palazzo presents the following resolution.

Board Member: Jimenez seconds the following resolution

WHEREAS, an application to place the license issued to Timmy’s Tavern, Inc. - 0912-33-085-003 into 'inactive, pocket status' effective July 1, 2010; and

WHEREAS, the application has been reviewed and found to be in proper form and no objection to the relief sought therein having been filed

NOW, THEREFORE, BE IT RESOLVED that the application to place the above referenced license into 'inactive, pocket status' is granted; and

BE IT FURTHER RESOLVED that the address on file with this Board for this license is:

6701 Park Avenue
West New York
(201-864-7453)

And,

BE IT FURTHER RESOLVED, that the Board Secretary is directed to make the appropriate notation on the license of such change in status and address and is further directed to assign the following local number to this license which represents Board action this date as set forth herein: 0912-33-085-004

BE IT FURTHER RESOLVED, that the Board Secretary is directed to provide a copy certified to be a true copy of this Resolution to the Licensee, the State Division of Alcoholic Beverage Control and the State Division of Taxation ; and

BE IT FURTHER RESOLVED, that this resolution shall be effective Nun Pro Tunc to July 1, 2010.

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

YES NO ABSTAIN ABSENT

Board Members:

Joan Palazzo	X			
Juan Garcia	X			
Rosendo Jimenez	X			

14. The Board Attorney advised the Board that it had to adopt new regular hearing dates for the balance of the 2011-2012 license term in order to accommodate the schedule of the Board Prosecutor who was unable to attend the sessions that had already been scheduled.

The Board Attorney recommended the Board adopt the proposed Resolution R-9/12/15/11 and that the Board Secretary then advertise the dates in accordance with the Open Public Meetings Act.

Motion was made to adopt R-9/12/15/11 establishing new hearing dates for regularly scheduled meetings of the Board.

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

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-9

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
RE: NEW HEARING DATES FOR JANUARY THRU JUNE 2012**

RESOLUTION

RE: REVISED MEETING DATED FOR 2011-2012 TERM

Be it resolved as follows:

The following dates are the revised dates for the Special Meeting of the West New York Board of Alcoholic Beverage Control for the 2011-2012 term.

January 26,
2012
February 23, 2012
March 22, 2012

April 26, 2012
May 24, 2012
June 21, 2012

Be it Further Resolved that all meetings shall be held in the Municipal Chambers of the West New York Town Hall, 428 60th Street, West New York, New Jersey.

Be it Further Resolved that all meetings shall start at 7:00 p.m.

Be it Further Resolved that the Board Secretary shall cause a Notice of the Hearing Dates to be published in the Bergen Record and the Jersey Journal and a copy of said Notice is to be posted on the Bulletin Board located on the first floor of the Town Hall.

15. The Board Attorney discussed R-1/12/15/11, which concerns the Goldberg Realty/Lusso Pizza Bar & Grill license. He explained that the Board had adopted certain resolutions at the October 26, 2011 Regular Meeting concerning this license which were effective August 11, 2011 but that the State Director had contacted the Board Secretary and informed her that there was certain language that had to be included in a resolution. This proposed R-1/12/15/11 contains the State mandated language. He recommended that it be adopted.

Motion was made to adopt R-1/12/15/11 amending a previous resolution of the Board.

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

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

R-1

**RESOLUTION OF THE BOARD OF ALCOHOLIC BEVERAGE CONTROL
AMENDING A PRIOR RESOLUTION OF THE BOARD ADOPTED
ON OCTOBER 26, 2011 REGARDING THE
PLACE-TO-PLACE TRANSFER APPLICATION OF GOLDBERG REALTY
CONSULTING, INC.
t/a Lusso Pizza Bar & Grill**

RESOLUTION NUMBER: R-1/12/15/11

DATE OF ADOPTION: 10-26-11

TITLE: AMENDING PRIOR RESOLUTION OF THE BOARD
REGARDING PLACE-TO-PLACE TRANSFER OF LICENSE

Board Member Palazzo presents the following resolution.

Board Member: Jimenez seconds the following resolution

WHEREAS, an application was filed for a Place-to-Place Transfer of Plenary Retail Consumption License Number 0912-33-069-114, issued to Goldberg Realty Consulting, Inc., t/a Lusso Pizza Bar & Grill which license has been in inactive status with no sited premises and a mailing address of 15 Terhune Court, Upper Saddle River, New Jersey to the following location:

Building D, Retail Unit A, Riverwalk at Port Imperial; Block 168.01, Lot 7.06,
West New York, New Jersey, commonly known as 40-1 Riverwalk Place, West
New York, New Jersey

and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the Board adopted a resolution on October 26, 2011 regarding said Place-to-Place Transfer which provide an effective date of August 11, 2011; and

WHEREAS, the Board Secretary and Counsel have been advised that the resolution approving said Place-to-Place Transfer should contain certain specified language contained in the “sample form” provided in the ABC Handbook; and

WHEREAS, the Board has been advised by its Counsel to amend and supplement the Resolution previously adopted to comply with instructions from the State Division,

NOW, THEREFORE BE IT RESOLVED, that the Alcoholic Beverage Control Board of the Town of West New York does hereby approve, effective August 11, 2011, the Place-to-Place Transfer of the aforesaid Plenary Retail Consumption License from its former location at 15 Terhune Court, Upper Saddle River, New Jersey West New York, New Jersey, to its new location at Building D Retail Unit A Riverwalk at Port Imperial Block 168.01, Lot 7.06, West New York, New Jersey, commonly known as 40-1 Riverwalk Place, West New York, New Jersey; and

Be It Further Resolved, that the License is removed from inactive status and is hereby placed into active status at said address effective said date; and,

Be It Further Resolved, that all provisions and findings of Resolution R-3/10/26/11 are incorporated into this Resolution as if set forth at length by specific reference thereto and that a copy of said Resolution is attached hereto and made a part hereto; and

Be It Further Resolved, that the Board does hereby direct the A.B.C. Board Secretary to endorse the license certificate, which shall be assigned the local number 0912-33-069-015, as follows: “This license, subject to all of its terms and conditions, is hereby transferred to premises located at West New York, New Jersey.”

DATED: December 15, 2011

RECORD OF VOTE OF BOARD:

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Board Members:</u>				
Joan Palazzo	X			
Juan Garcia	X			
Rosendo Jimenez	X			

Public Portion:

No one wishes to be heard.

Adjournment:

It was regularly moved by Chairwoman Palazzo, seconded by Board Member Jimenez to adjourn the meeting, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia and Board Member Jimenez

NAYS: None

Joan Palazzo, Chairwoman

Julio Garcia, Vice Chairman

Rosendo Jimenez, Member
Board of Alcoholic Beverage Control

Attest: _____

Milena Castaneda
Board Secretary