

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting
February 23, 2012

Joan Palazzo
Julio C. Garcia
Osvaldo Garcia
Board of Alcoholic Beverage Control

**Attest: Milena Castaneda
Board Secretary**

Alcoholic Beverage Control Board
February 23, 2012
Regular Meeting

Minutes of a regular meeting of the ABC Board of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Hudson Hall, 6018a Hudson Avenue, West New York, NJ on Thursday, February 23, 2012 at 7:00 p.m.

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

Absent: Board Member Garcia

Meeting commenced at 7:07 p.m.

Board Attorney Frank Gioia made the following announcement on behalf of the Chairperson:

As presiding officer of this regular meeting of the A.B.C. Board of the Town of West New York, held Thursday, February 23, 2012, at 7:00 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. C-1: Board Attorney discussed correspondence received on February 6th, 2012, from John O'Donnell, Esq., who represents Grandview I and Grandview II at Port Imperial. Mr. O'Donnell is writing to the Board to say that the Board had passed a resolution requiring the Licensee to replace the old front door but that it has not been replaced.
- B. C-2: Board Attorney discussed correspondence received from Robert Williams, Esq., who represents Lusso Pizza, indicating that he had received an estimate from McBride Glass, LLC, addressed to his client with respect to that resolution. Mr. Williams is requesting that the Board reconsider its resolution because of the additional expense that his client would be forced to bear if the Board enforced the resolution. The estimate was in the amount of \$8,250, plus tax. This matter should be scheduled for review next month because Mr. Williams could not be present at this meeting. The matter does not require a formal motion because it is not an official agenda item but it should be on the agenda for next month.
- C. C-3: Board Attorney discussed correspondence directed to Chairwoman Palazzo regarding a proposed transfer of the liquor license assigned to Timmy's Tavern with the transfer of the license to the 6701 Park Avenue, LLC. The letter is from the Police Director indicating that he has no objection to that transfer. Board Attorney explained that the license application is not complete yet and the matter is not before the Board at this time.
- D. C-4: Board Attorney discussed notice from the Office of Administrative Law advising that Goldberg Realty Consulting t/a Lusso Pizzeria, has filed an appeal of West New York Municipal Ordinance 24/11 which has to do with a change in hours of operation and that there's going to be a prehearing conference involving the attorneys before an Administrative Law Judge with regard to that appeal on March 2, 2012
- E. C-5: Board Attorney discussed notice from the Office of Administrative Law advising that DGNY Group,t/a Son Cubano, has filed an appeal of West New York Municipal Ordinance 24/11 which has to do about the hours of operation and that there is going to be a prehearing

conference involving the attorneys before an Administrative Law Judge on March 2, 2012 with regard to that appeal.

- F. C-6: Board Attorney discussed another notice advising that there will be a prehearing conference with regard to DGNY, t/a Son Cubano's appeal. This refers to the March 2nd, 2012 prehearing conference in Newark, New Jersey, at 1:30. Board Attorney will be attending on behalf of the Board.
- G. C-7 Board Attorney discussed another notice advising that there will be a prehearing conference with regard to Goldberg Realty Consulting, t/a Lusso Pizza appeal. It is going to be held on March 2, 2012, in Newark, New Jersey, at 1:30. Board Attorney will be attending on behalf of the Board.
- H. C-8: Board Attorney discussed correspondence from the Board Secretary to the Assistant Town Attorney Joseph Demarco. This is in reply to an audit report that was received last summer. The auditor reviewed all of the A.B.C. files and procedures and issued a report which was given to the Board Members when it was received in the summer. This letter is the Board Secretary's response to that audit report indicating all the things that she did to comply with the recommendations. Board Attorney stated that the Board Secretary has been very diligent and has worked hard to comply with each and every recommendation of that audit report.

BOARD ACTION

1. Resolutions:

(a) R-1 Board Minutes for October 26, 2012 Regular Meeting

A motion was made by Chairwoman Palazzo and seconded by Board Member Garcia to approve the Minutes for the October 26, 2012

Chairwoman Palazzo-Aye

Board Member J Garcia-Aye

Board Member O Garcia: Absent

The motion carried

(b) R-2 Minutes for December 15, 2012 Special Meeting

A motion was made by Chairwoman Palazzo and seconded by Board Member Garcia to approve the Minutes for the October 26, 2012

Chairwoman Palazzo-Aye

Board Member J Garcia-Aye

Board Member O Garcia: Absent

The motion carried

(c) R-3 Minutes for January 5, 2012 Special Meeting

A motion was made by Chairwoman Palazzo and seconded by Board Member Garcia to approve the Minutes for the October 26, 2012

Chairwoman Palazzo-Aye

Board Member J Garcia-Aye

Board Member O Garcia: Absent

The motion carried

2. Agenda Items Hearings and Scheduling

- (a) Board Attorney discussed Agenda Item C Scheduling a Hearing for Son Cubano charges and advised that David Epstein, Esq., Counsel for Son Cubano, Prosecutor**

Caride and he had to speak regarding appropriate hearing dates and then would advise the Board.

(b) Board Attorney discussed Agenda Item B-1 Charges against Sory Liquors:

Board Attorney advised the Board Members that Alexander Locatelli, Esq. who represents the Licensee was present and had spoken to the Prosecutor and Sgt. Clement. Counsel advised that the matter would be resolved without a hearing but that Mr. Locatelli doesn't have certain discovery regarding some new charges. His client has copies of the charges but not Mr. Locatelli. Sgt. Clement is going to fax those to Mr. Locatelli and this will be resolved at the March meeting.

A motion was made to carry pending charges to March Regular Meeting.

It was moved by Chairwoman Palazzo and seconded by Chairman Garcia to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia

The motion carried

(c) Board Attorney discussed Agenda Item B-2 Charges against Enrobert Bar

Board Attorney advised Board Members that Luis Diaz Esq. on behalf of the licensee was present. A settlement of the charges had been reached and Charge No. 1 would be dismissed upon a plea of guilty to Charge No. 2. Licensee is aware that if within the next two-year period, the statutory period, another drug related incident occurs at the bar, there will be a 35 days suspension as part of the new charge and time frame. Licensee pleads non vult to the charge and accepts the penalties. Board Counsel addressed Mr. Renteria, principal of Enrobert and established that he is entering a plea voluntarily and that he understands what has occurred and what the penalty will be.

A motion was made to accept plea of non vult on behalf of Enrobert Bar

It was moved by Chairwoman Palazzo and seconded by Chairman Garcia to accept the plea of non vult to Charge 2 with a penalty of a ten day suspension commencing March 2, 2012 and ending March 11, 2012 and subject to conditions of record; Charge No. 1 is dismissed at the motion of the Prosecutor:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia

The motion carried.

(d) Board Attorney discussed Agenda Item B-3 charges against Ohm Satyam

Board Attorney advised Board Members that William Schey, Esq. was present on behalf of the licensee. The Board Attorney further advised that the charges before the Board date back to 2006. Prosecutor Marlene Caride had an opportunity to speak with Sgt. Clement about this matter and stated that originally there was going to be a suspension of 30 days; however, in order to facilitate the sale of the license and in the best interest of all parties, including the Town, the suspension was going to be 15 days and would begin once the license is transferred. The current licensee, Mr. Rana, pled guilty, and acknowledged that he was doing so voluntarily.

A motion was made to accept his guilty plea to having an undisclosed interest in the liquor license with a penalty imposed of a 15 days suspension once business opens.

It was moved by Chairwoman Palazzo and seconded by Chairman Garcia to adopt the motion, which was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia

3 .Resolutions (continued)

(a) R-3 Special Permit for Holy Redeemer Parish

**RATIFICATION OF AUTHORIZATION OF BOARD SECRETARY TO
ENDORSE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR
(HOLY REDEEMER PARISH, MARCH 24, 2012)**

WHEREAS, an application for Special Permit for Social Affair has been filed by Holy Redeemer Parish within the jurisdiction of the West New York Board of Alcoholic Beverage Control; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the State of New Jersey Division of Alcoholic Beverage Control requires the aforementioned signatures prior to processing any request for a Special Permit for Social Affair;

WHEREAS, on October 7, 2010, the Director of the West New York Police Department signed and certified that the West New York Police Department has no objection to the granting of a Special Permit to the above applicant;

NOW, THEREFORE BE IT RESOLVED on February 23, 2012 at a regular meeting of the West New York Board of Alcoholic Beverage Control that said Board does hereby authorized the Board Secretary to endorse the Application for Special Permit for Social Affair.

Resolution was moved by Chairwoman Palazzo, seconded by Chairman Garcia, and adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia

(b) R-4 Appointment of Board Secretary

**APPOINTMENT OF MILENA CASTANEDA AS SECRETARY OF THE TOWN
OF WEST NEW YORK ALCOHOLIC BEVERAGE CONTROL BOARD**

WHEREAS, Milena Castaneda is qualified and available to serve as SECRETARY of the Town of West New York Board of Alcoholic Beverage Control, such appointment having been issued effective July 20, 2011, by the Mayor, Commissioner of the Department of Public Safety; and

WHEREAS, the Mayor as the Director of the Department of Public Safety desires the appointment of Milena Castaneda to serve as SECRETARY of the Town of West New York Board of Alcoholic Beverage Control;

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York at a Regular Meeting held on July 20, 2011, ratified the appointment of Milena Castaneda as SECRETARY of the West New York Board of Alcoholic Beverage Control;

NOW, THEREFORE, be it resolved by the Board of Alcoholic Beverage Control of the Town of West New York as follows:

1. The appointment of Milena Castaneda is hereby ratified and approved and she is appointed to serve as Secretary of the Town of West New York Board of Alcoholic Beverage Control, for a term commencing on July 20, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection by the ABC Board Secretary.

Resolution was moved by Chairwoman Palazzo, seconded by Chairman Garcia, and adopted by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia

Public Portion

No one wished to be heard

Adjournment of Meeting

A motion was made by Chairwoman Palazzo, seconded by Chairman Garcia, to adjourn the meeting at 7:40 p.m., and this motion was carried by the following vote:

YEAS: Chairwomen Palazzo, Vice Chairman Garcia

NAYS: None

Absent: Board Member Garcia