

# **Town of West New York Hudson County, New Jersey**

## **Alcoholic Beverage Control Board**

Minutes of Regular Meeting  
(Regular Session)  
September 21, 2011

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

**Attest:**     **Milena Castaneda**  
                  **Board Secretary**

**Alcoholic Beverage Control Board**  
**September 21, 2011**  
*Regular Meeting*

**Reference is made to the official transcript of the September 21, 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.**

Meeting starts 7 PM

Pledge to the flag

Open Public Meetings Act Notice read into record by Board Attorney

Roll Call:

Present

Member Palazzo

Member Garcia

Absent

Member Jimenez

Correspondence

Board Attorney reviews following correspondence:

1. Letter from George Campen, Esq. re application seeking to place Timmy's Tavern application in inactive status; license has been inactive since July 1, 2010; application now being made to place it retroactively; can't act at this or the application to transfer until we get Special Ruling
2. Special ruling Goldberg Realty Consulting T/A Lusso this matter was acted upon by Board at August 11, 2011 Special Meeting
3. Karla P. Albuja Special Ruling was received from State Director
4. Mi Jardin documentation and special ruling for 2010-2011 term and 2011-2012 term
5. Ad Intermim permit of DGNY T/A Son Cubano was obtained and is good through September 28; Board advised that Licensee filed direct appeal regarding objection to renewal of license and that the subject would not be decided by the Board but by first an Administrative Law Judge and then by the State Director
6. Special Ruling was received from State Director regarding renewal of Reyes Management License for 2010-2011 and 2011-2012 terms
7. Letter from Alex Locatelli, Esq. on behalf of his client, Sory Liquors pleading not guilty and requesting discovery
8. Special Ruling received from State Director regarding Ohm Satyam
9. Letter from Carl Rizzo, Esq. to Board Attorney on behalf of DGNY t/a Son Cubano advising that his client will take direct appeal and not go through local board because objections to renewal were not decided by local Board within 90 days; Board Attorney advises that he attempted to schedule this matter on numerous occasions during July and

August but that vacation schedules and OPRA/Discovery requests prevented a hearing date to be established; any delay in decision was not the fault of the Board. Board Attorney advised Board that all matters will be decided by an Administrative Law Judge and it is likely that the license would be extended until the decision and that Licensee will be able to operate

10. State Director sent letter to Board Secretary listing licenses not renewed yet

Casa del Faro	Alberto Rodriguez
Reyes Management	Timmy's Tavern
Clam House LLC	Ohm Satyam
Coco's Café	Muriel Blanca
Jm Venture capital	AAS Inc
Mi Jardin	Mody

Board Attorney advised that the Board would be considering some of these at tonight's meeting while others have not been renewed for years and require Special Rulings from the State Director before the Board has authority to consider them. Board Attorney explained that some licensees who are lapsed are taking advantage of new state law that allows them to renew

Resolution R-1

RESOLUTION APPROVING RENEWAL OF 0912-33-005-010  
ISSUED TO KARLA P. ALBUJA  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS KARLA P. ALBUJA has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-005-010 for the 2011-2012; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal has been issued by the State Division of Taxation

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-005-010 issued to KARLA P. ALBUJA is hereby renewed for the 2011-2012 term
2. The License is an inactive license and is not sited and the Licensee is directed to activate and site this license before the end of the 2011-2012 term (June 30, 2012)
3. The Board Secretary shall endorse the License as follows:  
“The License is renewed for the 2011-2012 License Term with the condition that the Licensee shall act to activate and site this License by June 30, 2012”
4. The Board Secretary shall deliver a COPY of the License to the Licensee and shall retain the ORIGINAL
5. The Licensee is instructed that the Board shall require the filing of a twelve page application and payment of all applicable filing fees when the Licensee seeks to activate and site this License.
6. The Licensee is bound by the instructions contained in the August 15, 2011 cover letter issued in this matter.
7. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter

The Board Attorney advised that the Karla Albuja Special ruling only covers 2011-2012 and not 2010-2011; we have tax clearance certificate for 2010-2011 but none for 2011-2012 term; as a result the Board does not have jurisdiction at this time; the Licensee has to obtain a new special ruling covering the 2010-2011 license term

The Board Attorney recommends that R-1 be tabled

The following Resolution identified as R-7 was proposed and moved and adopted by the Board:

R-7

Be It Resolved that Resolution R-1 herein is tabled and shall be considered at the next regular Board Meeting meeting because of the lack of tax clearance certificates and a special ruling for 2010-2011

Motion made by Board Member Palazzo

Seconded by Board Member Garcia

All in favor, Resolution adopted

Resolution R2

The Board Attorney explained that Mi Jardin had obtained a Special Ruling for the 2010-2011 license term and that all fees had been paid and a tax clearance certificate had been obtained; no Police objections to renewal of license

RESOLUTION APPROVING RENEWAL OF 0912-33-056-002  
ISSUED TO MI JARDIN RESTAURANT, INC.  
FOR THE 2010-2011 LICENSE TERM  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS MI JARDIN RESTAURANT, INC. has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-056-002 for the 2010-2011 term; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal for the 2010-2011 license term has been issued by the State Division of Taxation; and

WHEREAS, the Licensee has advertised in accordance with the advertising requirements of NJAC 13:2-2.5 and the provisions of the Special Ruling

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-056-002 issued to MI JARDIN RESTAURANT, INC. is hereby renewed for the 2010-2011 term
2. The Board Secretary shall endorse the 2010-2011 License as follows:  
  
“The License is renewed for the 2010-2011 License Term in accordance with the terms and conditions of a Special Ruling entered on August 11, 2011
3. The Board Secretary shall deliver the License to the Licensee along with a certified copy of this Resolution
4. The Licensee is bound by the terms of the Special Ruling and the instructions contained in the August 11, 2011 cover letter issued in this matter.
5. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter
  - e) Proof of Publication

Motion to adopt resolution:

Moved by Board Member Palazzo

Seconded by Board Member Garcia

All in favor; Motion carries; resolution adopted

R-3

Mi Jardin Special Ruling 2011-2012

The Board Attorney explained that Mi Jardin had obtained a Special Ruling for the 2011-2012 license term and that all fees had been paid and a tax clearance certificate had been obtained; no Police objections to renewal of license

RESOLUTION APPROVING RENEWAL OF 0912-33-056-002  
ISSUED TO MI JARDIN RESTAURANT, INC.  
FOR THE 2011-2012 LICENSE TERM  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS MI JARDIN RESTAURANT, INC. has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-056-002 for the 2011-2012 term; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal for the 2011-2012 license term has been issued by the State Division of Taxation; and

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-056-002 issued to MI JARDIN RESTAURANT, INC. is hereby renewed for the 2011-2012 term
2. The Board Secretary shall endorse the 2010-2011 License as follows:  
  
“The License is renewed for the 2011-2012 License Term in accordance with the terms and conditions of a Special Ruling entered on August 11, 2011
3. The Board Secretary shall deliver the License to the Licensee along with a certified copy of this Resolution
4. The Licensee is bound by the terms of the Special Ruling and the instructions contained in the August 11, 2011 cover letter issued in this matter.
5. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter

Motion to adopt resolution by Board Member Palazzo; seconded by Board Member Garcia; all in favor; resolution adopted

R-3(a) Approval of person to person transfer of Mi Jardin license to El Balcon, Corp.

Board Attorney advises Board that Application is in order all fees paid and Sgt. Clement advises no objections by Police Department

RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF  
0912-33-056-002 ISSUED TO MI JARDIN RESTAURANT, INC.  
TO EL BALCON, Inc.  
September 21, 2011

WHEREAS MI JARDIN RESTAURANT, INC. seeks to transfer License Number 0912-33-056-002 to EL BALCON, Inc. and said Transferee has filed an APPLICATION and paid all requisite fees to the State and Town of West New York: and

WHEREAS, the proposed Transferee previously published a Notice of this proposed Person-to – Person transfer; and

WHEREAS, a Special Ruling was issued by the State Director which provided that the Board could consider and act upon the proposed person-to-person transfer once it had acted on the renewal application of MI JARDIN RESTAURANT, INC. for the 2010-2011 and 2011-2012 terms; and

WHEREAS, in accordance with the Special Ruling, this Board has acted on September 21, 2011 to approve the renewal applications of MI JARDIN RESTAURANT, INC. for the 2010-2011 and 2011-2012 terms; and

WHEREAS, a Tax Clearance Certificate for Transfer has been issued by the State Division of Taxation; and

WHEREAS, the Licensing Bureau/Police Liaison Officer conducted an investigation into this proposed transfer and has no objection to transfer;

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-056-002 issued to MI JARDIN RESTAURANT, INC. is hereby transferred to El Balcon, Inc.



2. The Board Secretary shall endorse the 2011-2012 License as follows:  
  
“The License, subject to all of its terms and conditions, is hereby transferred effective September 21, 2011 to EL BALCON, Inc. for premises located at 520-60th Street, West New York, NJ ; the License Number shall be 0912-33-056-003 to reflect the change in Licensee
3. The Board Secretary shall deliver the License to the Licensee along with a certified copy of this Resolution
4. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Transfer
  - d) Proof of Publication

Motion to adopt resolution by Board Member Palazzo; seconded by Board Member Garcia; all in favor; resolution adopted

R-4 Reyes Management

Board Attorney advised Board that application was in Order, Special Ruling and Tax Clearance Certificate received, no objection to renewal by Police Department

RESOLUTION APPROVING RENEWAL OF 0912-33-012-005  
ISSUED TO REYES MANAGEMENT, L.L.C.  
FOR THE 2010-2011 LICENSE TERM  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS REYES MANAGEMENT, L.L.C. has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-012-005 for the 2010-2011 term; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal for the 2010-2011 license term has been issued by the State Division of Taxation; and

WHEREAS, the Licensee has advertised in accordance with the advertising requirements of NJAC 13:2-2.5 and the provisions of the Special Ruling

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-012-005 issued to REYES MANAGEMENT, L.L.C. is hereby renewed for the 2010-2011 term
2. The Board Secretary shall endorse the 2010-2011 License as follows:

“The License is renewed for the 2010-2011 License Term in accordance with the terms and conditions of a Special Ruling entered on July 21, 2011

3. The Board Secretary shall deliver a copy of this License to the Licensee along with a certified copy of this Resolution
4. The Licensee is bound by the terms of the Special Ruling and the instructions contained in the July 21, 2011 cover letter issued in this matter.
5. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter
  - e) Proof of Publication

Motion to adopt resolution by Board Member Palazzo; seconded by Board Member Garcia; all in favor; resolution adopted

R4a Reyes Management 2011-2012

Board Attorney advised Board that application was in Order, Special Ruling and Tax Clearance Certificate received, no objection to renewal by Police Department

RESOLUTION APPROVING RENEWAL OF 0912-33-012-005  
ISSUED TO REYES MANAGEMENT, L.L.C.  
FOR THE 2011-2012 LICENSE TERM  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS REYES MANAGEMENT, L.L.C. has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-012-005 for the 2011-2012 term; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal for the 2011-2012 license term has been issued by the State Division of Taxation

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-012-005 issued to REYES MANAGEMENT, L.L.C. is hereby renewed for the 2011-2012 term
2. The Board Secretary shall endorse the 2011-2012 License as follows:  
  
“The License is renewed for the 2011-2012 License Term in accordance with the terms and conditions of a Special Ruling entered on July 21, 2011
3. The Board Secretary shall deliver a copy of this License to the Licensee along with a certified copy of this Resolution
4. The Licensee is bound by the terms of the Special Ruling and the instructions contained in the July 21, 2011 cover letter issued in this matter.
5. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) A copy of the Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter

Motion to adopt resolution by Board Member Palazzo; seconded by Board Member Garcia; all in favor; resolution adopted

R-5

RESOLUTION APPROVING RENEWAL OF 0912-33-092-004  
ISSUED TO OHM SATYAM, INC.  
ADOPTED PURSUANT TO PROVISIONS  
OF SPECIAL RULING  
September 21, 2011

WHEREAS OHM SATYAM, INC. has sought and obtained a Special Ruling from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-092-004 for the 2011-2012; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the requisite Tax Clearance Certificate for Renewal has been issued by the NJ Division of Taxation

NOW, THEREFORE BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control as follows:

1. License Number 0912-33-092-004 issued to OHM SATYAM, INC. is hereby renewed for the 2011-2012 term
2. The License is an inactive license and is not sited and the Licensee is directed to activate and site this license before the end of the 2011-2012 term (June 30, 2012)
3. The Board notes that the Special Ruling applies to a renewal of this license for the 2012-2013 term
4. The Board declines to renew this license for the 2012-2013 term in the absence of the issuance of a tax clearance certificate for said license year
5. The Board shall recognize the Commissioner's decision regarding the 2012-2013 License Term when all filing fees and forms are filed in a timely manner by the Licensee and a tax clearance certificate is received from the State Division of Taxation
6. The Board Secretary shall endorse the License as follows:  
  
"The License is renewed for the 2011-2012 License Term with the condition that the Licensee shall act to activate and site this License by June 30, 2012"
7. The Board Secretary shall deliver a COPY of the License to the Licensee and shall retain the ORIGINAL

8. The Licensee is instructed that the Board shall require the filing of a twelve page application and payment of all applicable filing fees when the Licensee seeks to activate and site this License.
9. The Licensee is bound by the instructions contained in the September 1, 2011 cover letter issued in this matter.
10. The Board Secretary shall transmit the following to the State Division:
  - a) Copy of the endorsed License
  - b) A certified copy of this resolution
  - c) Tax Clearance Certificate for Renewal
  - d) A copy of the Special Ruling and Cover letter

Board Attorney advised that the Board is without jurisdiction to act on the Special Ruling and the Resolution at this time because Licensee needs a Special Ruling for 2010-2011 term and also tax clearance certificate. Recommends that R-5 be tabled until next regular Board meeting

Motion made to table Resolution 5 and carry it to the next regular Board Meeting in October and this is identified as R-8

Moved by Board Member Palazzo; Seconded by Board Member Garcia and all approve; Motion carries and R-5 is tabled

R-6 Scheduling of three hearing dates

RESOLUTION APPROVING HEARING DATES  
OF OPEN AND PENDING CHARGES  
September 21, 2011

BE IT RESOLVED on September 21, 2011 by the West New York Board of Alcoholic Beverage Control that the following dates shall be established as hearing dates for charges now open and pending against the following Licensees:

NAME OF LICENSEE	ATTORNEY	DATE and TIME of HEARING
Sory Liquors	Alexander Locatelli, Esq.	October 26, 2011
Tony's Liquors	NONE	October 26, 2011
DGNY (Son Cubano)	Carl Rizzo, Esq.	November 23, 2011

And be it further resolved that the Board Secretary shall cause a copy of this resolution to be mailed or faxed to the Licensees named above and to any Counsel or Representative who has entered an appearance with the Board

Motion to adopt made by Board Member Palazzo; seconded by Board Member Garcia; all in favor and resolution adopted

**Public portion - None**

Motion to Adjourn made by Member Palazzo; seconded by Member Garcia and all in favor  
Meeting adjourned

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Joan Palazzo, Chairwoman

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Julio Garcia, Vice Chairman

**ABSENT**

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Rosendo Jimenez, Member

Board of Alcoholic Beverage Control

Attest: \_\_\_\_\_

Milena Castaneda

Board Secretary