

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

**Minutes of Regular Meeting
April 25, 2013**

**Joan Palazzo
Julio C. Garcia
Osvaldo Garcia (Absent)
Board of Alcoholic Beverage Control**

**Attest: Mireya De La Cruz
Board Secretary
Adopted: 10/24/2013**

Alcoholic Beverage Control Board

April 25, 2013
Regular Meeting

Reference is made to the official transcript of the April 25, 2013 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

Roll Call:

Present

Member Joan Palazzo

Member Julio Garcia

Absent

Member Osvaldo Garcia (Absent)

There is a quorum and the meeting continued

Also in attendance:

ABC Prosecutor, Christopher Errante, Esq., Board Attorney Frank R. Gioia, Esq. and Board Secretary, Mireya De La Cruz.

Sgt. Michael Clement (Absent)

Chairwoman, Joan Palazzo, 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 Thursday, April 25, 2013 at 7PM at P.S. # 4 School 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.

1. Correspondence: Discussed by Board Attorney:

- C-1 Pending transfer of Enrobert, this license was in foreclosure, and the trustee in bankruptcy took control of this license his name is John Sywilk; this is a Chapter 7 proceeding. The proposal before the Board is to transfer this license to S&FI, LLC whose principal is Ivan Barron, and we are waiting on background check to be completed by Sgt. Clement. It was further explained that since the Board does not deal with transfers during the months of May and June, the earliest that this could be considered by the Board for transfer would be in July or August and only after the matter is deemed ready for consideration**
- C-2 Correspondence, from Arisitdes Hernandez, Esq. who is the attorney for Fortuna Holding. They are seeking to buy the Tony's Grocery license. This has been pending for number of months now. We are waiting for receipt of a tax clearance certificate from the State Division of the Taxation.**

- C-3** The “De Cache Inc.” license # 0912-33-028-006 was not renewed in 2012/2013. The principals are involved in a foreclosure action brought by the bank which loaned them money to purchase the building they occupied. The bank is interested in engaging in what is called a “short sale” and the principals have filed a special ruling application so they could get State permission for the Board to consider renewing this license 2012-2013 and the upcoming term. If they are successful in obtaining the special ruling and the matter comes before the Board and is approved then they will be seeking to transfer the license at a future date in a separate proceeding before the Board
- C-4** The Board Attorney discussed various correspondence involving the “DGNY/Son Cubano license from the office of Administrative Law and Judge Barry Moskowitz; the license has not been renewed for two terms and denial of the license is on appeal. There we objections filed by Grandview One and Two which are located on the Waterfront. They have filed objections to the renewal of this license for two consecutive years and it is likely that they will file again. There is a telephone conference call scheduled for May 15th, 2013 involving the Judge and the Counsel of Record

BOARD ACTION

The Board adjourned to review proposed Minutes

The Board returned from Recess and the meeting continued.

R1 – 04/25/2013

ADOPTION OF MINUTES

BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control that proposed Minutes are approved and adopted for the following meeting:

October 24, 2012

And the Board Secretary is directed to have the Official Minutes executed by the Board Members and placed into the records of this Board

Motion to adopt by Chairwoman Palazzo
Seconded by Vice-Chairman J. Garcia
All in Favor; Resolution adopted

R 2 – 04/25/2013

**RE: APPOINTMENT OF CHRISTOPHER A. ERRANTE, ESQ., LLC
AS PROSECUTOR OF THE WEST NEW YORK
ALCOHOLIC BEVERAGE CONTROL BOARD
(Term: 1/1/13 – 12/31/13)**

The West New York Board of Alcoholic Beverage Control approves the following appointment of Christopher A. Errante, Esq., L.L.C. as ABC Prosecutor for the period January 1, 2013-December 31, 2013:

RESOLUTION OF GOVERNING BODY:

WHEREAS, Christopher A. Errante, Esq., is deemed qualified and available to serve as Prosecutor of the Town of West New York Board of Alcoholic Beverage Control, such appointment having been issued effective January 1, 2013, by the Mayor and Commissioner of the Department of Public Affairs; and

WHEREAS, the Director of the Department of Public Affairs desires the appointment of Christopher A. Errante, Esq., to serve as Prosecutor of the Town of West New York Board of Alcoholic Beverage Control;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The appointment of CHRISTOPHER A. ERRANTE, ESQ., is hereby ratified and approved and he is appointed to serve as Prosecutor of the Town of West New York Board of Alcoholic Beverage Control, for a term commencing on January 1, 2013 and expires on December 31, 2013.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

CERTIFICATION

I, Mireya De La Cruz, Secretary of the WNY ABC, do hereby certify that the foregoing is a true copy of a resolution duly adopted by WNY ABC at its April 25, 2013 Regular Meeting.

Mireya De La Cruz

Board Secretary

Date: _____

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

R 3 – 04/25/2013

RATIFICATION OF AUTHORIZATION OF BOARD SECRETARY TO ENDORSE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR

(HOLY REDEEMER PARISH/ST PATRICK' S DAY DINNER (MARCH 16, 2013))

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 **February 6, 2013** 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 **APRIL 25, 2013** at a regular meeting of the West New York Board of Alcoholic Beverage Control that said Board does hereby authorize action of the Board Secretary previously taken to endorse the Application for **Special Permit for Social Affair**.

CERTIFICATION

I, Mireya De La Cruz, Secretary of the WNY ABC, do hereby certify that the foregoing is a true copy of a resolution duly adopted by WNY ABC at its April 25, 2013 Regular Meeting.

*Mireya De La Cruz
Board Secretary*

Motion to adopt by Chairwoman Palazzo
Seconded by Vice-Chairman J. Garcia
All in Favor; Resolution adopted

R4 – 04/25/2013

RATIFICATION OF AUTHORIZATION OF BOARD SECRETARY TO ENDORSE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR (HERMANDAD DE SAN MARTIN DE PORRES, MAY 11, 2013)

WHEREAS, an application for Special Permit for Social Affair has been filed by **HERMANDAD DE SAN MARTIN DE PORRES** 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 **APRIL 9, 2013** 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 **APRIL 25, 2013** at a regular meeting of the West New York Board of Alcoholic Beverage Control that said Board does hereby authorize the Board Secretary to endorse the Application for **Special Permit for Social Affair**.

CERTIFICATION

*I, Mireya De La Cruz, Secretary of the WNY ABC, do hereby certify that the foregoing is a true copy of a resolution duly adopted by WNY ABC at its **APRIL 25, 2013** Regular Meeting.*

Mireya De La Cruz
Board Secretary

Motion to adopt by Chairwoman Palazzo
Seconded by Vice-Chairman J. Garcia
All in Favor; Resolution adopted

R5 – 04/25/2013

APPROVAL OF CHANGE IN CORPORATE DIRECTORS of P.F. Chang's Bistro-Edgewater, LLC. LICENSE # 0912-33-040-004

WHEREAS, the Division of Alcoholic Beverage Control Enforcement Bureau has completed the criminal background investigation of members of the above mentioned license, as a result of that investigation it has been determined that,

- JASON S. MOZINGO
- JEFFREY W. LONG
- AMAR B. DOSHI

do not have any criminal disqualifications that would prevent anyone of them from holding an Alcoholic Beverage License.

THEREFORE, the Change in Corporate Directors renewal of the above-referenced Liquor License is hereby approved

CERTIFICATION

*I, Mireya De La Cruz, Secretary of the WNY ABC, do hereby certify that the foregoing is a true copy of a resolution duly adopted by WNY ABC at its **APRIL 25, 2013** Regular Meeting.*

*Mireya De La Cruz
Board Secretary*

THIS RESOLUTION WAS CARRIED:

Sgt. Michael Clement has not been able to complete his report in this matter and a motion was made and seconded to carry consideration of the application to the next regular Board Meeting.

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted (carry over to next meeting)

R 6-04/25/2013

(Correction of Resolution 1-06/28/12)

**RESOLUTION APPROVING AMENDMENT OF LIQUOR LICENSE RENEWAL FOR
“License #0912-33-056-003
FOR THE 2012-2013 TERM**

BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control for the Town of West New York (WNY ABC) that:

WHEREAS, the WNY ABC, approved the transfer of License **0912-33-056-003** from **Mi Jardin Restaurant, Inc.** to **EL BALCON CORP.** on September 21, 2012; and

WHEREAS, License **0912-33-056-003** was mistakenly renewed for the 2012-2013 License term in the name of **Mi Jardin Restaurant, Inc.**, the former Licensee; and

WHEREAS, the WNY ABC, the State ABC and **EL BALCON CORP.**, the Licensee, seek to correct this error; and

WHEREAS, Licensee **EL BALCON CORP.** has submitted a 12-page application for renewal of the License for the 2012-2013 term and has paid all requisite fees and also further seeks to amend an application on file for License **0912-33-056-003** at this time; and

WHEREAS, the said WNY ABC is satisfied that a review of this application has been made by the Board Secretary and the Board Attorney and that no remonstrance, protests, objections, or complaints have been filed with the WNY ABC by any person or entity or by the West New York Police Department regarding renewal of said license in the name of **EL BALCON CORP.** and of amendment of the application currently on file; and

WHEREAS, the Division of Taxation has issued the required Tax Clearance Certificate for Renewal and all required fees were paid for **EL BALCON CORP.** as of June 28, 2012

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that License **0912-33-056-003** is hereby amended and renewed for the entire 2012-2013 term in the name of **EL BALCON CORP.** and that the Board Secretary is directed to obtain the original license and amend it to reflect the action taken herein by the WNY ABC; and

Be it Further Resolved that a certain resolution identified as **Resolution 1-06/28/12** approved by the WNY ABC on June 28, 2012 renewing certain licenses in the Town of West New York for the 2012-2013 license term is hereby amended as below to reflect **EL BALCON CORP.** as the Licensee with regard to License **0912-33-056-003** as further highlighted below in bold and italic lettering:

Resolution 1-06/28/12 is amended as follows:

- 0912-33-003-004 MESON ESPANOL INC.
- 0912-33-015-006 ROGELIO PUIG/LIRA II
- 0912-33-016-008 EXTRA SUPER RESTAURANT CORP
- 0912-33-025-011 LUNA RESTAURANT INC
- 0912-33-029-011 ADRIANA PARRA CENTRO SUR RESTAURANT

0912-33-036-005 EL RINCONCITO COLOMBIANO
0912-33-042-010 MARINERO GRILL
0912-33-056-003 EL BALCON CORP.
0912-33-064-003 EL FONCECA BAR & RESTAURANT
0912-33-069-013 GOLDBERG REALTY INC
0912-33-089-005 SAMMY'S BAR CORP.
0912-43-020-003 TONY'S GROCERY
0912-44-008-007 R & V LIQUORS & WINE INC
ANTONIO and MARIA CERQUIERA t/a EUROPA CAFÉ &
0912-44-018-006 DELI
0912-44-068-003 PAVEN LIQUORS LLC
0912-44-075-004 LOS PADRINOS CORP
0912-44-080-007 J & L LIQUORS, INC.
0912-44-087-009 GWG ENTERPRISES LLC

The total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term at this time is eighteen (18), which total is comprised of the following:

- Class C : 31 Club License - 0
- Class C : 32 Plenary Retail Consumption with Broad Package Privilege – 0
- Class C : 33 Plenary Retail Consumption – 11
- Class C : 43 Limited Retail Distribution - 1
- Class C : 44 Plenary Retail Distribution - 6

As of the date of the adoption of this Resolution, the total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term is thirty-eight (38) which total is comprised of the following:

- Class C : 31 Club License - 1
 - Class C : 32 Plenary Retail Consumption with Broad Package Privilege – 1
 - Class C : 33 Plenary Retail Consumption – 21
 - Class C : 43 Limited Retail Distribution - 3
 - Class C : 44 Plenary Retail Distribution - 12
- *****

BE IT FURTHER RESOLVED that the Board Secretary is to transmit a certified copy of this resolution to the State Director of Alcoholic Beverage Control along with the Application, copy of the Tax Clearance Certificate and required State Fee and is, further directed, to place a certified copy of this Resolution into the file folder of EL BALCON CORP.

Adopted: 04/25/2013

Mireya De La Cruz/Board Secretary

Motion to adopt by Chairwoman Palazzo
Seconded by Vice-Chairman J. Garcia
All in Favor; Resolution adopted

PUBLIC PORTION

Public present: NO ONE ADDRESSED THE BOARD

ADJOURNMENT

Motion to adjourn made by Member Palazzo; seconded by Member Garcia and all voted in favor

Meeting adjourned at 7:20 pm

Joan Palazzo, Chairwoman
Board of Alcoholic Beverage Control

Julio Garcia, Vice Chairman
Board of Alcoholic Beverage Control

ABSENT

Oswaldo Garcia, Board Member
Board of Alcoholic Beverage Control

Attest: _____
Mireya De La Cruz
Board Secretary
Adopted: 10/24/2013