

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

## **Alcoholic Beverage Control Board**

**Minutes of Regular Meeting  
October 24, 2013**

**Joan Palazzo  
Julio C. Garcia  
Oswaldo *Garcia*  
Board of Alcoholic Beverage Control**

## **Alcoholic Beverage Control Board**

**October 24, 2013**

***Regular Meeting***

**Reference is made to the official transcript of the October 24, 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 7:18PM

Pledge to the flag

Open Public Meetings Act Notice

Roll Call:

### **Members Present**

Joan Palazzo/Chairwoman

Julio Garcia/Chairman

Osvaldo Garcia/Member

Sgt. Michael Clement

There is a quorum and the meeting continued

### **Also in attendance:**

ABC Board Attorney Frank R. Gioia, Esq., Sgt. Michael Clement, and Board Secretary, Mireya De La Cruz.

ABC Board Chairwoman, made the following announcement.

### **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Thursday, October 24, 2013 at 7:20PM 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 the Municipal Website and filed with the Town Clerk.** Copies are available to the public in accordance with the Law.

**Correspondence: Discussed by Board Attorney:**

**Report from Board Attorney Regarding pending matters.**

- C-1      **Regarding correspondence, this is a letter to the Board Secretary from Anwer Musbeh, from the Five Brothers Minimart. It's regarding the warm beer license. And this is just a letter indicating that he is requesting a retail warm beer license for his business.**
- C-2      **With regard to the DGNV Group, that's Son Cubano, I can advise you that Attorney for Son Cubano has filed an appeal for the 2013-2014 license term because after September 28<sup>th</sup> this license was not approved. An objection to renew had been filed by Christine Piscitelli, who is one of the residents of Grandview. She is represented by an attorney James Pojanowski. The field an objection to renewal. Now, this year there was no objection to renewal filed by Grandview which is the first year. You may recall, those of you who have been there for a while, that for the previous two years Grandview One and Grandview Two had file objections to renewal. And the board didn't act on those objections. In the meantime Son Cubano has applied for and has been granted an order that extend their license so they can continue to operate after September 28<sup>th</sup> until there's decision with regard to all those appeals.**

**BOARD ACTION**

The Board adjourned to review proposed Minutes

The Board returned from Recess and the meeting continued.

**R1 – 10/24/2013**

***Ratification/Approving Minutes from April, 25, 2013***

***ADOPTION OF MINTUES***

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

- ***April 25, 2013***

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 carry by  
Vice-Chairman Julio Garcia

**R2- 10/24/2013**  
***Ratification/Approving Minutes from June 27, 2013***  
***ADOPTION OF MINTUES***

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

- ***June 27, 2013***

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 carry by  
Chairwoman, Joan Palazzo  
Seconded by Vice-Chairman Julio Garcia  
***All in Favor; Resolution Adopted***

**R3 – 10/24/2013**  
***Approving Minutes from September 26, 2013***  
***ADOPTION OF MINTUES***

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

- ***September 26, 2013***

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  
Vice-Chairman Julio Garcia  
Seconded by Board Member Osvaldo Garcia  
***All in Favor; Resolution Adopted***

**R4 - 10/24/2013**  
**RESOLUTION APPROVING**  
**Transfer of License # 0912-33-086-006 from**  
**Shawnlene Inc. to “Jet Namaste, Inc.”**  
**(This Resolution will be carried to the next meeting on 11/26/2013)**

**WHEREAS**, an application has been filed for Person-to-Person and Place to Place Transfer of Plenary Retail Consumption License #0912-33-086-006, heretofore issued to **Shawnlene Inc.**; which is currently in active status; 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 applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

**WHEREAS**, the proposed transfer has been properly advertised and proof of publication submitted and no objections to transfer have been received by or filed with the **Board Secretary** and the **Board Attorney** and 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 this license; and

**WHEREAS**, a Tax Clearance Certificate for Transfer has been received from the NJ Division of Taxation.

**NOW, THEREFORE BE IT RESOLVED** that the West New York ABC does hereby approve, effective **October 24, 2013** the transfer of the aforesaid Plenary Retail Consumption License to **“Jet Namaste Inc.”**, and does hereby direct the Board Secretary to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to **“Jet Namaste Inc.”** effective **October 24, 2013.**”

**Be It Further Resolved** that the place-to-place transfer of the aforesaid license #0912-33-086-006 and its change in status from an inactive license to an active license at that site is hereby approved effective **October 24, 2013** and the Board does hereby direct the A.B.C. Board Secretary to further

**R5 – 10/24/2013**  
**RESOLUTION**  
**RATIFICATION/APPROVING RENEWAL OF**  
**OHM Satyam, Inc./#0912-33-092-004**  
**FOR THE 2011-2012 LICENSE TERM**  
**ADOPTED PURSUANT TO PROVISIONS OF**  
**“SPECIAL RULING”**

*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 for relief pursuant to N.J.S.A. 33:1-12.18 for the 2011/2012 License term and also amending special ruling dated September 2011 Granting Relief Pursuant to N.J.S.A. 33:1-12.39 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 and there are no objections to renewal before the Board*

*NOW, THEREFORE BE IT RESOLVED on October 24, 2013 by the West New York Board of Alcohol Beverage Control as follows:*

*The license issued to Ohm Satyam, Inc. is renewed for the 2011-2012 license term.*

**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 October 24, 2013 Regular Meeting.*

*Adopted: 10/24/2013*

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*Mireya De La Cruz /Board Secretary*

Motion to adopt by  
Vice-Chairman Julio Garcia  
Seconded by Board Member Osvaldo Garcia  
*All in Favor; Resolution Adopted*

**PUBLIC PORTION**

Public present: No One Addressed the Board

**ADJOURNMENT**

Motion to adjourn made by Member Osvaldo Garcia; seconded by Vice-Chairman Julio Garcia and all voted in favor

Meeting adjourned at 7:39 pm

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Joan Palazzo, Chairwoman  
Board of Alcoholic Beverage Control

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Julio Garcia, Vice Chairman  
Board of Alcoholic Beverage Control

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Osvaldo Garcia, Board Member  
Board of Alcoholic Beverage Control

**Attest:** \_\_\_\_\_  
**Mireya De La Cruz**  
**Board Secretary**  
**Adopted: 11/26/2013**