

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting November 26, 2013

Joan Palazzo (Absent)

Julio C. Garcia

Oswaldo *Garcia*

Board of Alcoholic Beverage Control

Alcoholic Beverage Control Board

November 26, 2013

Regular Meeting

Reference is made to the official transcript of the November 26, 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 7:00pm

Pledge to the flag

Open Public Meetings Act Notice

Roll Call:

Members Present

Julio Garcia/Chairman

Oswaldo Garcia/Member

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.

Absent: Joan Palazzo/Chairwoman

ABC Board Attorney, made the following announcement.

OPEN PUBLIC MEETING ACT

This regular meeting of the ABC Board of the Town of West New York held Thursday, November 26, 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.

- C1. Notice from the State ABC, the enforcement bureau section advises that there are six (6) licenses that have not been authorized to conduct business in West New York, and they wanted us to review these to make sure that these reflect and correspond to what we have in our records. (The Clam House LLC, De Cache Inc, LRSF LLC, La Hacienda Bar and Lounge Inc, Tony's Grocery Co. and also DGNY Group Inc). Counsel explained that the last is an error because this is an active license which is currently under appeal with the Office of Administrative Law.**

- C2. Update on DGNY Group/Son Cubano, this license has not been renewed for like three years now and is on appeal before Administrative Law Judge Moscovitz. The State granted "Son Cubano" the right to continue operations until the end of the current license year, which would be June 30th, 2014 pending the outcome of the appeals.**

- C3. Recommendation that La Hacienda Bar should be carried until next meeting. (Amendment of Application)**

- C.4 Sory Liquors, Inc. (Lic. # 0912-33-047-004) faces charges. Roberto Rodriguez appears without Counsel Locatelli who has been in communication with his client and it is understand that he understands fully that the corporation is to be disciplined by way of suspension. It is place on the record that Mr. Rodriguez will plead "non-vult" to all outstanding charges, so as to have a clean slate going forward, Sergeant Michael Clement has spoken to Mr. Rodriguez and a plea offer has been accepted by him; his attorney has counseled him on this but cannot be present. Mr. Rodriguez wishes to plead non-vult with a suspension starting the January 2, 2014 through January 22nd (he cannot operate) total of 21-day suspension.**

BOARD ACTION

The Board adjourned to review proposed Minutes

The Board returned from Recess and the meeting continued.

Motion to carry by
Vice-Chairman Julio Garcia
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted

R2 - 11/26/2013
RESOLUTION APPROVING
PERSON-TO-PERSON TRANSFER APPLICATION
Transfer of License # 0912-33-086-006 from
Shawnlene Inc. to “Jet Namaste, Inc.”

WHEREAS, an application has been filed for Person-to-Person of Plenary Retail Consumption License # **0912 33-086-006**, heretofore issued to **Shawnlene Inc.**; which is currently in inactive, non-pocket and sited at 5118 Bergenline Avenue, West New York: 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 licensee’s 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 West New York ABC by any person or entity or by the West New York Police Department regarding this license; and

license at 5118 Bergenline Avenue, West New York is hereby approved effective November 26, 2013 and the Board does hereby direct the Board Secretary to further endorse the license certificate as follows: “This license, subject to all of its terms and conditions shall be sited at 5118 Bergenline Ave, West New York, New Jersey effective November 26, 2013

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 November 26, 2013 Regular Meeting.

Adopted: 11/26/2013

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

**R3 - 11/26/2013
RESOLUTION APPROVING
PERSON-TO-PERSON TRANSFER APPLICATION
Transfer of License # 0912-33-066-008 from
Enrobert Corporation to S & F I, LLC.**

WHEREAS, an application has been filed for Person-to-Person of Plenary Retail Consumption License #**0912-33-066-008**, heretofore issued to **Jonh Sywilok, Chapter 7 Trustee for Enrobert Corporation**; which license is currently in inactive, “pocketed” 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

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, November 26, 2013 the transfer of the aforesaid Plenary Retail Consumption License to “S & F I, LLC.”, 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 “S & F I, LLC” effective November 26, 2013 with an assigned number of # 0912-33-066-009 and shall remain in inactive, pocketed status until further action of the Board

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 November 26, 2013 Regular Meeting.

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

**R4 - 11/26/2013
RESOLUTION APPROVING
Transfer of License # 0912-33-092-004 from
OHM Satyam Inc., to “52 Lounge LLC.”**

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 West New York 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 November 26, 2013 the Person to Person transfer and place to place transfer of the aforesaid Plenary Retail Consumption License to “52 Lounge LLC.”, 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 “52 Lounge LLC.” effective November 26, 2013 with an assigned license number of 0912-33-092-005”; and

Be It Further Resolved that License shall be transferred from pocket status and sited at 5207 Bergenline Avenue West New York, NJ and the status shall change from inactive, pocketed status to active, sited status at that address but that operations shall not commence at said location until a fifteen (15) day suspension which “runs” with the license is served by the new Licensee; and,

Be It Further Resolved that no action taken by the West New York ABC shall prevent or impede the Licensee from opening and operating a restaurant at this site while the fifteen (15) day period of suspension is served after which time the Licensee is permitted to sell, distribute and serve alcohol at the site

R5 -11/26/13
New Location - Revised Resolution
THE WEST NEW YORK
BOARD OF ALCOHOLIC BEVERAGE CONTROL
REGULAR MEETING FOR 2013-2014 TERM.

Be it resolved as follows:

The following dates are the dates for the Regular Meeting of the West New York Board of Alcoholic Beverage Control for the 2013-2014 terms.

Thursday, July 18, 2013

Thursday, August 15, 2013

Thursday, September 26, 2013

Thursday, October 24, 2013

Wednesday, November 26, 2013

Thursday, December 19, 2013

Thursday, January 23, 2014

Thursday, February 27, 2014

Thursday, March 27, 2014

Thursday, April 24, 2014

Thursday, May 22, 2014

Thursday, June 26, 2014

Be it Further Resolved that all meetings shall be held in West New York Town Hall, Police Training Room – 2nd Floor, 428 – 60th Street, West New York Town, New Jersey 07093.

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.

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.

Adopted: 11/26/2013

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 7:25 pm

(ABSENT)

Joan Palazzo, Chairwoman
Board of Alcoholic Beverage Control

Julio Garcia, Vice Chairman
Board of Alcoholic Beverage Control

Osvaldo Garcia, Board Member
Board of Alcoholic Beverage Control

Attest: _____
Mireya De La Cruz
Board Secretary
Adopted: 02/27/2014