

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting
(Regular Session)
July 27, 2011

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

**Attest: Milena Castaneda
Board Secretary**

Alcoholic Beverage Control Board
July 27, 2011
Regular Meeting

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

There is a quorum and meeting can proceed

Agenda Items

Correspondence

Board Attorney reviewed following correspondence:

- 1) Letter from Goldberg Realty Consulting t/a Lusso to State Director regarding request to be given Special Ruling
- 2) Letter from Goldberg Realty Consulting t/a Lusso regarding filing of Special Ruling

Board Attorney advised Board that he had spoken to Chris Makanakis of the State ABC and that objectors would be given until July 31, 2011 to file objections to Special Ruling request and that Board could expect decision by State after that

- 3) Notice of Charges filed by WNY Police against DGNY t/a Son Cubano; advised that six charges were filed detailing nuisance, employment of a DJ, nightclub atmosphere.
- 4) July 1, 2011 letter from Carl Rizzo, Esq. entering not guilty plea to all charges which was filed with Town Clerk and Police
- 5) Ad Intermim application and approval by the State Director; Board Attorney advised that this permits licensee to operate until Board can act

Discussion Regarding Hearing Dates

DGNY t/a Son Cubano license; Board Attorney advised that objections to renewal were filed by Grandview Condo Association and Board must schedule a hearing date. Board Attorney advised that dates in August were discussed with Counsel for Licensee and Grandview and there are problems with scheduling and availability of witnesses

DGNY t/a Son Cubano charges; Board Attorney advised that Board should not schedule this for the same hearing date as the renewal hearing; recommended that the hearing be scheduled for September 21, 2011 Regular Hearing

Charges against Sory Liquors t/a Havana Sports Club and Tony's Liquors have been pending for some time and were delayed because of discovery and Board Attorney recommended that these be scheduled for PreTrial Conference on September 21, 2011

Resolutions:

Resolution R-1 Rescinding Resolution permitting person to person transfer of Mi Jardin license to El Balcon, Inc.

**RESOLUTION RESCINDING PERSON TO PERSON
TRANSFER OF LICENSE NUMBER
0912-33-056-002**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

The Resolution adopted on June 22, 2011 by the Board approving the person to person transfer of Liquor License 0912-33-056-002-Mi Jardin, Inc., from said Licensee to El Balcon, Inc. is hereby rescinded and said Resolution shall be deemed null and void ab initio; said action being taken in accordance with instructions received from the New Jersey Division of Alcoholic Beverage Control to reflect the fact that said License has not been renewed for the 2010-2011 License Term

Board Attorney advised members that before you became Board Members in June 2011 there was a transfer which was approved. When the matter was sent to the State for review it was learned that the License was not renewed for the 2010-2011 license term so that before there can be only transfer the license has to be renewed for 2010-2011 and 2011-2012 license terms

Motion to adopt made by Bd Member Garcia; seconded by Board Member Palazzo; motion carries and resolution adopted

Resolution R-2

**RESOLUTION RENEWING LICENSE NUMBER 0912-33-065-005
ISSUED TO LRSF, LLC t/a Dos De Oro Restaurant**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

The Local Board has no objections and does hereby consent to the renewal of License Number 0912-33-065-005 issued to: LRSF LLC t/a Dos De Oro Restaurant

The Local Board is not aware of any circumstances or provisions of law or local ordinance which prohibits the renewal of said license

The Local Board is in receipt of a Tax Clearance Certificate for Renewal issued by the New Jersey Division of Taxation

The above mentioned License is hereby renewed for the 2011-2012 License term and the Board Secretary is authorized and directed to execute and deliver the License to the Licensee.

Board Attorney advised and drew attention of Board Members to documents in file showing payment of fees, tax clearance certificate for renewal and copy of license received from State. Matter can be considered by the Board

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

Resolution R-3

**RESOLUTION RENEWING LICENSE NUMBER 0912-33-024-008
ISSUED TO EL MARINERO RESTAURANT CORP.**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

The Local Board has no objections and does hereby consent to the renewal of License Number 0912-33-024-008 issued to: El Marinero Restaurant Corp.

The Local Board is not aware of any circumstances or provisions of law or local ordinance which prohibits the renewal of said license

The Local Board is in receipt of a Tax Clearance Certificate for Renewal issued by the New Jersey Division of Taxation

The above mentioned License is hereby renewed for the 2011-2012 License term and the Board Secretary is authorized and directed to execute and deliver the License to the Licensee.

Board Attorney advised and drew attention of Board Members to documents in file showing payment of fees, tax clearance certificate for renewal and copy of license received from State; also copy of ad interim permit. Matter can be considered by the Board

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

RESOLUTION R-4 PULLED FROM AGENDA

Resolution R-5

RESOLUTION ESTABLISHING HEARING DATE

**Sory Liquor's, Inc.
t/a Havana Sports Club
License Number 0912-33-047-004**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

A hearing regarding charges filed against Sory Liquors, Inc., t/a Havana Sports Club by the West New York Police Department shall be held on September 21, 2011 at 7 PM

The Board Secretary shall transmit a copy of this Resolution to the Licensee, or the Licensee's Attorney, if represented by Counsel.

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

Resolution R-6

RESOLUTION ESTABLISHING HEARING DATE

**TONY'S GROCERY
License Number 0912-43-020-003**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

A hearing regarding charges filed against Tony's Grocery by the West New York Police Department shall be held on September 21, 2011 at 7 PM

The Board Secretary shall transmit a copy of this Resolution to the Licensee, or the Licensee's Attorney, if represented by Counsel.

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

Resolution R-7

**RESOLUTION ESTABLISHING HEARING DATE
DGNY Group, Inc.
t/a Son Cubano Restaurant
License Number 0912-33-084-005**

Be It Resolved, on July 27, 2011, by the West New York Board of Alcoholic Beverage Control as follows:

A hearing regarding charges filed against DGNY Group, Inc., t/a Son Cubano Restaurant, by the West New York Police Department shall be held on September 21, 2011 at 7 PM

The Board Secretary shall transmit a copy of this Resolution to the Licensee, or the Licensee's Attorney, if represented by Counsel.

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

Public Portion – NONE

Motion to adjourn by Board Member Garcia, seconded by Board Member Palazzo all in favor and motion carries

Meeting Adjourned

Joan Palazzo, Chairwoman

Julio Garcia, Vice Chairman

ABSENT

Rosendo Jimenez, Member

Board of Alcoholic Beverage Control

Attest: _____

Milena Castaneda

Board Secretary