

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

## **Alcoholic Beverage Control Board**

Minutes of Special Meeting  
(Regular Session)  
July 14, 2011

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

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

**Alcoholic Beverage Control Board**  
**July 14, 2011**  
*Special Meeting*

**Minutes of a Special Meeting of the ABC Board of the Town of West New York, County of Hudson, State of New Jersey, held at Hudson Hall Community Center, Second Floor, 6018(a) Hudson Avenue, West New York, NJ, commencing at 6:35 PM.**

**Hearing re Goldberg Realty Consulting, Inc. License No. 0912-33-069-014**

Present: Board Members Rosendo Jimenez, Joan Palazzo, Board Attorney

Board Member Julio Garcia was not present at the start of the meeting; he arrived at 6:50 PM.

Frank R. Gioia, Esq., Sgt. Michael Clement

Pledge to Flag at 6:35 PM

Open Public Meetings Announcement read into record by Frank R. Gioia, Esq.

This special meeting of the ABC Board of the Town of West New York held Thursday, July 15, 2011 at 6:30 PM 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.

Roll Call: Members Jimenez and Palazzo present; member Garcia absent

Two of three members present – quorum attained, meeting can proceed Open Public Meetings Act

Resolution No. 1

Re: Appointment of Frank R. Gioia, Esq., Board Attorney, as Acting Secretary for purposes of this meeting

Be it resolved by the West New York Board of Alcoholic Beverage Control as follows:

Frank R. Gioia, Esq., Board Attorney, shall serve as Acting Secretary of the Special Meeting of July 14, 2011

It was moved by Board Member Jimenez, seconded by Board Member Palazzo to accept this Resolution as adopted which motion carried by the following vote:

YEAS: Board Members Jimenez and Palazzo

NAYS: None

ABSENT: Board Member Garcia

Resolution No. 2

Re: Appointment of Frank R. Gioia, Esq., Board Attorney as Presiding Officer of Hearing

It was moved by Jimenez, seconded by Palazzo; motion carried; in favor Jimenez, Palazzo-resolution adopted

Resolution No. 3

Re: Adoption of Rules of Procedure for Hearing

It was moved by Jimenez, seconded by Palazzo; motion carried; in favor Jimenez, Palazzo-resolution adopted

Board Member Garcia arrives at 6:50 PM

Resolution No. 4

Resolution to open the Special Hearing moved by Jimenez, seconded by Palazzo, motion carried; in favor Jimenez, Garcia, Palazzo, resolution adopted

**Hearing:**

Preliminary remarks by Board Attorney Gioia;

Board Attorney advises that Board, at this time, in the absence of a 12.39 Ruling from the State Director has no jurisdiction/authority to render a decision in the matter of the renewal of the license/place to place transfer of the license; Board will hear the testimony and reserve on its decision awaiting issuance of the 12.39 Ruling by the State or the denial of said application.

Appearances by Counsel Placed on the Record

Testimony of Sgt. Michael Clement regarding his report and measurement of distance between Son Cubano and proposed site of Lusso Pizzeria

**Licensee's Case**

Testimony of James Albegu

Cross examination of James Albegu

Testimony of William Mitchell

Cross examination of William Mitchell

**Objector's Case**

Testimony of Annie Suh

Cross examination of Annie Suh

Testimony of Michael Hyuh

Cross examination of Michael Hyuh

**Parties Rest**

**Public Portion**

It was regularly moved by Board Member Jimenez, seconded by Board Member Palazzo to close the Public Portion and adjourn the meeting at 10:35 PM which was carried by the following vote:

YEAS: Board Members Garcia, Jimenez, Palazzo

NAYS: None

The transcript of the Special Hearing is incorporated into the Minutes for this Special Meeting by specific reference thereto.

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Joan Palazzo, Chairwoman

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Julio Garcia, Vice Chairman

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Rosendo Jimenez, Member

Board of Alcoholic Beverage Control

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

Milena Castaneda

Board Secretary