

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

## **Alcoholic Beverage Control Board**

Minutes of Regular Meeting  
(Regular Session)  
March 24, 2010

Rosendo Jimenez  
Rafael Martell  
Michael Parkes  
Board of Alcoholic Beverage Control

**Attest:**      **Cosmo A. Cirillo**  
                    **Board Secretary**

**Alcoholic Beverage Control Board**  
**March 24, 2010**  
***Regular Meeting***

Minutes of a regular stated meeting of the ABC Board of the Town of West New York, in the County of Hudson, State of New Jersey, held in the **Municipal Court Chambers, Municipal Building, WNY, NJ** on Wednesday, February 24, 2010 at 7:00 p.m.

Present: Board Member Rafael Martell, Board Member Jimenez, Board Attorney Frank Gioia, Sgt. Michael Clement and Board Secretary Cosmo A. Cirillo  
Absent: Chairman Michael Parkes and Board Prosecutor Marlene Caride

Meeting commenced at 7:02 p.m.

At the request of Board Attorney Frank Gioia, Vice-Chairman Martell made the following announcement:

As presiding officer of this regularly scheduled meeting of the ABC Board of the Town of West New York, held Wednesday, March 24, 2010, at 7:00PM, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting and that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in Resolution dated and adopted by the ABC Board of the Town of West New York on June 25, 2009. Said Resolution was transmitted by the ABC Secretary to the Jersey Journal and the 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.

**Note: Board Attorney Gioia stated that he had nothing new to report regarding discussion items A, B and C; the Clam House, Coco's Café and El Fonseca. Under correspondence he indicated that there was a letter from Alberto Rodriguez to the NJ Division of ABC on March 15, 2010 regarding the non-renewal of his license.**

**RESOLUTION**  
**RE: APPROVAL OF MINUTES**

**BE IT RESOLVED** that the Board of Alcoholic Beverage Control of the Town of West New York approves the Minutes as recorded for the following meetings:

- February 24, 2010 – Regular Session

It was regularly moved by Vice-Chairman Martell, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Vice-Chairman Martell and Board Member Jimenez  
NAYS: None  
ABSENT: Chairman Parkes

**Note: Board Attorney Gioia stated that the next item on the agenda is Resolution R-2; charges filed against El Balcon Restaurant. Prosecutor Caride indicated that she had spoken with their attorney, Adolfo Lopez, Esq., and it appeared that a resolution on this matter was very near. Board Attorney Gioia stated that if Attorney Lopez did not arrive before the end of the meeting that the Board table this matter until its next meeting.**

**Alcoholic Beverage Control Board**  
**March 24, 2010**  
*Regular Meeting*

**Note: Board Attorney Gioia stated that the next item on the agenda is Resolution R-3; renewal of Casa Del Faro, Inc. liquor license. He gave a brief history of the license to the Board indicating that the 2009-2010 renewal application had been inappropriately signed and submitted by Juan Nunez. As a result, Mr. Nunez submitted a new renewal application as the executor of the estate of his wife, Milagros Nunez. Sgt. Clement had no objection to this Resolution.**

**RESOLUTION**  
**RE: APPLICATION OF CASA DEL FARO, INC. FOR RENEWAL OF**  
**LICENSE NUMBER 0912-33-011-005 FOR THE 2009-2010 LICENSE TERM**

**WHEREAS**, a renewal license application filed on behalf of Casa Del Faro, Inc. holder of license 0912-33-011-005 for the term July 1, 2009-June 30, 2010 was not executed by Juan Nunez in his official capacity as Executor of the Estate of Milagros Nunez, sole shareholder of Casa Del Faro, Inc. but was filed in a shareholder capacity; and

**WHEREAS**, the license was approved for renewal; and

**WHEREAS**, subsequent review of the application revealed that Juan Nunez was not authorized or approved to sign and submit a renewal application as a corporate shareholder; and

**WHEREAS**, the Local Board after consultation with the State Division of Alcoholic Beverage Control was advised that Juan Nunez should submit an amended renewal application as Executor of the Estate of Milagros Nunez; and

**WHEREAS**, Juan Nunez has submitted an amended application in proper form; and

**WHEREAS**, no objection has been filed;

**NOW, THEREFORE, BE IT RESOLVED**, that the renewal of the aforesaid license is hereby ratified and approved for renewal for the July 1, 2009-June 30, 2010 term.

It was regularly moved by Vice-Chairman Martell, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS:	Vice-Chairman Martell and Board Member Jimenez
NAYS:	None
ABSENT:	Chairman Parkes

**Note: Board Attorney Gioia stated that Resolution R-4 is the companion Resolution the next item on the agenda is Resolution R-3; renewal of Casa Del Faro, Inc. liquor license. He informed the Board that this license has not been in use since November 18, 2009.**

**Alcoholic Beverage Control Board**  
**March 24, 2010**  
*Regular Meeting*

**RESOLUTION**  
**RE: APPROVAL OF INACTIVE STATUS APPLICATION**  
**FOR CASA DEL FARO, INC.**  
**LICENSE NO. 0912-33-011-005**

**WHEREAS**, an application to place the license issued to Casa Del Faro, Inc. - 0912-33-11-005 into 'inactive, pocket status' effective November 18, 2009; and

**WHEREAS**, the application has been reviewed and found to be in proper form and no objection to the relief sought therein having been filed

**NOW, THEREFORE, BE IT RESOLVED** that the application to place the above-referenced license into 'inactive, pocket status' is granted;

**BE IT FURTHER RESOLVED** that the address on file with this Board for this license is:

89 Sherwood Avenue  
Teaneck, NJ  
(201-836-4139)

**BE IT FURTHER RESOLVED**, that the Board Secretary is directed to make the appropriate notation on the license of such change in status and address and is further directed to assign the following number to this license which represents Board action this date as set forth herein:

0912-33-011-006

**BE IT FURTHER RESOLVED** that the Board Secretary is directed to provide a copy of this Resolution to the Licensee and to the State Division of Alcoholic Beverage Control and the State Division of Taxation.

It was regularly moved by Vice-Chairman Martell, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Vice-Chairman Martell and Board Member Jimenez  
NAYS: None  
ABSENT: Chairman Parkes

**Note:** Board Attorney Gioia informed the Board that there is a third application for this license regarding a change in corporate structure. This change is due to the death of his wife, Milagros Nunez. He informed the Board that as a result of this application he and Sgt. Clement determined that an individual by the name of Juan Vilea had been placed on the license without the knowledge of the Board. He added that this application is not before the Board this evening, it is still under review by himself and Sgt. Clement.

**Note:** Board Attorney Gioia moved on to Resolution R-5; the dismissal of pending applications. He informed the Board that these were application that have been submitted but not completed or acted upon.

**Alcoholic Beverage Control Board**  
**March 24, 2010**  
*Regular Meeting*

**RESOLUTION**  
**RE: ADMINISTRATIVE DISMISSAL OF PENDING APPLICATIONS**

**WHEREAS**, the following applications have been pending for more than six months past the date of formal review for completeness by the Alcoholic Beverage Control Board counsel and are not complete:

License	Licensee	Address
0912-33-056-002	Mi Pais, LLC	520 – 60th Street
0912-33-042-010	EWP, Inc.	5914 Park Avenue

**BE IT RESOLVED**, by the Board of Alcoholic Beverage Control of the Town of West New York, effective this date, the foregoing applications are hereby administratively dismissed.

It was regularly moved by Vice-Chairman Martell, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Vice-Chairman Martell and Board Member Jimenez  
NAYS: None  
ABSENT: Chairman Parkes

**Note**: Board Attorney Gioia noted that Attorney Lopez had not arrived, therefore he recommended that the Board table Resolution R-2; charges filed against El Balcon Restaurant until its next meeting.

**RESOLUTION AND ORDER**  
**RE: CHARGES FILED AGAINST EL BALCON BAR AND RESTAURANT**  
**520 – 60TH STREET (0912-33-056-002)**

**In the Matter of Disciplinary Proceedings Against:**

**Licensee: El Balcon Bar and Restaurant**  
**Address: 520 – 60th Street**  
**West New York, NJ 07093**  
**Holder of Plenary Retail Consumption License 0912-33-056-002**

It was regularly moved by Board Member Jimenez, seconded by Vice-Chairman Martell to table this Resolution until the Board's next meeting, which was carried by the following vote:

YEAS: Vice-Chairman Martell and Board Member Jimenez  
NAYS: None  
ABSENT: Chairman Parkes

**Alcoholic Beverage Control Board**  
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**Public Portion**

**Note: Vice-Chairman Martell called for the Public Portion.**

**No one wished to be heard.**

It was regularly moved by Vice-Chairman Martell, seconded by Board Member Jimenez to close the Public Portion and adjourn the meeting at 7:20 p.m., which was carried by the following vote:

YEAS:           Vice-Chairman Martell and Board Member Jimenez  
NAYS:           None  
ABSENT:        Chairman Parkes

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Rosendo Jimenez, Member

\_\_\_\_\_  
Rafael Martell, Vice-Chairman

**ABSENT**

\_\_\_\_\_  
Michael Parkes, Chairman

Board of Alcoholic Beverage Control

Attest: \_\_\_\_\_  
Cosmo A. Cirillo  
Board Secretary