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

## **Alcoholic Beverage Control Board**

**Minutes of Regular Meeting  
July 26, 2012**

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

# Alcoholic Beverage Control Board

**July 26, 2012**  
***Regular Meeting***

**Reference is made to the official transcript of the July 26, 2012 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 7:15 PM

Pledge to the flag  
Open Public Meetings Act Notice  
Roll Call:

## Present

Member Palazzo  
Member Garcia  
Member O. Garcia

There is a quorum and the meeting continued

## Also in attendance:

Board Attorney Frank R. Gioia, Esq., and Board Secretary Mireya De La Cruz.

## Absent

Sgt. Michael Clement (vacation)

Board Attorney Frank R. Gioia, Esq. made the following announcement regarding the

## **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Thursday, July 26, 2012 at 7:15PM 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 filed with the Town Clerk. Copies are available to the public in accordance with the Law.

## **1. Correspondence: Discussed by Board Attorney:**

The Board adjourned to review proposed Minutes

The Board returned and the meeting continued.

## **Resolution**

**R 1 - 7/26/2012**

### **ADOPTION OF MINUTES**

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

- **May 24, 2012**

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 Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

## **Resolution**

**R 2 - 7/26/2012**

### **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 14, 2012 Special Meeting**

And the Board Secretary is directed to have the Official Minutes executed by the Board Members and placed

## **Resolution**

**R 3 – 07/26/2012**

### **ADOPTION OF MINUTES**

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 28, 2012 Regular Meeting**

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 Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

## **R-4 7/26/2012**

### **R-4 Transfer of License No. 0912-33-085-4 from Timmy's Tavern, Inc. to 6701 Park Avenue, LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number **0912-33-085-4**, heretofore issued to Timmy's Tavern, Inc. which is currently in inactive, pocket 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

**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 July 26, 2012 the transfer of the aforesaid Plenary Retail Consumption License to 6701 Park Avenue, 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 6701 Park Avenue, LLC., effective July 26, 2012."

**R-5 7/26/12**

**RESOLUTION APPROVING LIQUOR LICENSE RENEWAL APPLICATIONS FOR  
THE 2012-2013 TERM RATIFYING ACTION TAKEN ON JUNE 29, 2012**

BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control for the Town of West New York (WNY ABC) that:

WHEREAS, applications for renewal of license in accordance with the provisions of law have been received for the below-listed licenses; and

WHEREAS, the said WNY ABC is satisfied that a review of the applications has been made by the Board Secretary and the Board Attorney and that 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 renewal of said licenses; and

WHEREAS, the Division of Taxation has issued the required Tax Clearance Certificate for Renewal and all required fees paid for each of the below-listed Licenses; and

WHEREAS, the below listed Licenses were the subject of a telephonic poll taken by the Board Secretary, Board Attorney and Board Members on June 29, 2012

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the licenses listed below are renewed for the July 1, 2012 through June 30, 2013 License Term:

0912-31-105-001    ORDEN FRATERNAL UNIDA  
0912-33-067-008    BAR SAGUA CORPORATION  
0912-44-021-005    OM LIQUOR STORE INC

The total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term at this time is three (3), which total is comprised of the following:

- Class C : 31 Club License - 1
- Class C : 32 Plenary Retail Consumption with Broad Package Privilege – 0
- Class C : 33 Plenary Retail Consumption – 1
- Class C : 43 Limited Retail Distribution - 0
- Class C : 44 Plenary Retail Distribution - 1

of the Tax Clearance Certificate and required State Fee and is, further directed, to place a certified copy of this Resolution into the file folder of every Licensee listed herein and be it further resolved that the previous transmittal of documentation of the three liquor licenses to Director of the State ABC and the issuance of the Licenses to the named Licensees by the Board Secretary is hereby ratified and approved and the Board shall further memorialize such actions in a separate Resolution at its next regular meeting.

*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 July 26, 2012 Regular Meeting.*

**Adopted: 09/27/2012**

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*Mireya De La Cruz*  
*Board Secretary*

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

## **R 6 07/26/2012**

**RE: APPOINTMENT OF MIREYA DE LA CRUZ AS SECRETARY OF THE  
WEST NEW YORK ALCOHOLIC BEVERAGE CONTROL BOARD  
(Term: 7/1/12 – 6/30/15)**

WHEREAS, MIREYA DE LA CRUZ is qualified and available to serve as SECRETARY of the Town of West New York Board of Alcoholic Beverage Control, such appointment having been issued effective July 1, 2012, by the Mayor and Commissioner of the Department of Public Affairs; and

WHEREAS, the Director of the Department of Public Affairs desires the appointment of MIREYA DE LA CRUZ to serve as SECRETARY of the Town of West New York Board of Alcoholic Beverage Control;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The appointment of MIREYA DE LA CRUZ is hereby ratified and approved and she is appointed to serve as Secretary of the Town of West New York Board of Alcoholic Beverage Control, for a term commencing on July 1, 2012 and expires on June 30, 2015.
2. There is no additional salary or compensation for this position. Any duties associated with the Secretary of Board of Alcoholic Beverage Control are included in Ms. De La Cruz's current duties.
3. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**Adopted: 7/18/12**

### 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 July 26, 2012 Regular Meeting.

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Mireya De La Cruz

Board Secretary

Date: \_\_\_\_\_

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

**R 7 - 07/26/2012**  
**RESOLUTION APPROVING LIQUOR LICENSE RENEWAL**  
**APPLICATIONS FOR THE 2012-2013 TERM**  
**THURSDAY, JULY 26, 2012**

BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control for the Town of West New York (WNY ABC) that:

WHEREAS, applications for renewal of license in accordance with the provisions of law have been received for the below-listed licenses; and

WHEREAS, the said WNY ABC is satisfied that a review of the applications has been made by the Board Secretary and the Board Attorney and that 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 renewal of said licenses; and

WHEREAS, the Division of Taxation has issued the required Tax Clearance Certificate for Renewal and all required fees paid for each of the below-listed Licenses

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the licenses listed below are renewed for the July 1, 2012 through June 30, 2013 License Term:

<u>License Number</u>	<u>Name</u>
0912-33-047-004	Sory Liquors Inc
0912-33-058-005	C.A.B. Inc
0912-33-101-003	La Hacienda Bar and Lounge Inc.

The total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term at this time is three (3), which total is comprised of the following:

- Class C : 31 Club License - 0
- Class C : 32 Plenary Retail Consumption with Broad Package Privilege – 0
- Class C : 33 Plenary Retail Consumption – 3
- Class C : 43 Limited Retail Distribution - 0
- Class C : 44 Plenary Retail Distribution - 0

As of the date of the adoption of this Resolution, the total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term is Forty four (44) which total is comprised of the following:

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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 July 26, 2012 Regular Meeting.

Adopted: 09/27/2012

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Mireya De La Cruz  
Board Secretary

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in Favor; Resolution adopted

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The Board Attorney distributed a License Grid form which reflected the current status of licenses with regard to renewal for the 2012-2013 licenses term. There was general discussion of the form and the Attorney advised as to those licenses which could not be acted upon because Special Rulings were required from the State Director of ABC before the WNY Board had jurisdiction over them.

Public portion -

No member(s) of the Public present

Motion to adjourn made by Member Palazzo; seconded by Member Garcia and all voted in favor

Meeting adjourned at 7:50 pm

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Joan Palazzo, Chairwoma  
Board of Alcoholic Beverage Contr

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Julio Garcia, Vice Chairma  
Board of Alcoholic Beverage Contr

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Osvaldo Garcia, Board Membe  
Board of Alcoholic Beverage Contr