

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

## **Alcoholic Beverage Control Board**

**Minutes of Regular Meeting  
September 27, 2012**

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

# **Alcoholic Beverage Control Board**

**September 27, 2012**

***Regular Meeting***

**Reference is made to the official transcript of the September 27, 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 7PM

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., Marlene Caride, Esq., Sgt. Michael Clement, and Board Secretary Mireya De La Cruz.

Chairwoman, Joan Palazzo, 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, September 27, 2012 at 7PM 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:**

**C-1** Letter dated August 30<sup>th</sup>, 2012 from the State of New Jersey, regarding proposed

term and it is expected that both appeals will be consolidated and heard by the same Judge; Licensee has been granted the right to operate until the end of June 30, 2013 pending the outcome of the appeals.

## **BOARD ACTION**

The Board adjourned to review proposed Minutes

The Board returned and the meeting continued.

**R1 - 9/27/2012**

## **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:

**September 27, 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

**R-2 09/27/2012**

## **RESOLUTION APPROVING LIQUOR LICENSE RENEWAL APPLICATIONS FOR THE 2012-2013 TERM RATIFYING ACTION TAKEN ON August 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, the below listed Licenses were the subject of a telephonic poll taken by the Board Secretary, Board Attorney and Board Members on August 29, 2012

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC hereby ratifies the actions taken by the Board Secretary with regard to said licenses and that the licenses listed below are renewed for the July 1, 2012 through June 30, 2013 License Term:

0912-31-104-001 Our Lady of Libera Booster Club  
0912-33-024-008 El Marinero Restaurant Corp

The total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term at this time is two (2), 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 - 0

As of the date of the adoption of this Resolution, which relates back to August 29, 2012, the total number of Liquor Licenses approved for the July 1, 2012 through June 30, 2013 License Term is forty-six (46) which total is comprised of the following:

- Class C : 31 Club License - 3
- Class C : 32 Plenary Retail Consumption with Broad Package Privilege – 1
- Class C : 33 Plenary Retail Consumption – 26
- Class C : 43 Limited Retail Distribution - 3
- Class C : 44 Plenary Retail Distribution - 13

BE IT FURTHER RESOLVED that the Board Secretary is to transmit a certified copy of this resolution to the State Director of Alcoholic Beverage Control along with the Application, copy 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.

*Adopted: 10/24/2012*

**R-3 9/27/12**

**R-3/Transfer of License No. 0912-33-085-4 from 6701 Park Avenue, LLC to  
The Tequila River LLC**

**WHEREAS**, an application has been filed for Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number **0912-33-085-4**, heretofore issued to **6701 Park Avenue, LLC**. which is currently in inactive, pocket status and from inactive to active 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 **September 27, 2012** the transfer of the aforesaid Plenary Retail Consumption License to

**The Tequila River 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 **The Tequila River LLC** effective **September 27, 2012** "

**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 September 27, 2012 Regular Meeting.*

**Adopted: 10/24/2012**

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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 to the Board Members 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**

Public present:

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

Meeting adjourned at 7:20 pm

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Joan Palazzo, Chairwoman  
Board of Alcoholic Beverage Control

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Julio Garcia, Vice Chairman  
Board of Alcoholic Beverage Control