

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting August 15, 2013

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

Attest: Mireya De La Cruz
Board Secretary
Adopted: 09/26/2013

Alcoholic Beverage Control Board

August 15, 2013
Regular Meeting

Reference is made to the official transcript of the August 15, 2013 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 7:00PM

Pledge to the flag

Open Public Meetings Act Notice

Roll Call:

Members Present

Member Osvaldo Garcia

Member Julio Garcia

Absent

Member Joan Palazzo (Absent)

There is a quorum and the meeting continued

Also in attendance:

ABC Board Attorney Frank R. Gioia, Esq., Sgt. Michael Clement, and Board Secretary, Mireya De La Cruz.

ABC Board Attorney Frank 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, August 15, 2013 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 the Municipal Website and filed with the Town Clerk.** Copies are available to the public in accordance with the Law.

Correspondence: Discussed by Board Attorney:

C-1 Report from Board Attorney Regarding pending matters.

- A. The Clam House has not been approved as an active license for many, many years and we are awaiting further instruction from the State**
- B. AAS Inc., is a warm beer license which was not approved last year and there has been discussion with a State representation and if the licensee can finalize his applications for the 2012-2013 and current year, the Board can act on this renewal at the next regular meeting.**
- C. OHM Satyam Inc., pending revised application for 2012-2013 with special ruling they are supposed to bring it back with the corrections and if it is complete we can deal with this at the next regular meeting.**
- D. De Cache, Inc. had a license but have not been operating in years; they didn't review last year and they didn't renew this year and they're in bankruptcy. The bank that held the mortgage was trying to see if the license could be renewed and then transferred so that there would be some additional monies available in the bankruptcy, but this does not appear to be something that will happen.**
- E. The transfer of the Tony's Grocery license is still pending; we are waiting for the State approval on Tax Clearance.**
- F. El Marinero Restaurant Corporation, also waiting for Tax Clearance Certificate.**

C-2 Change of Corporate Structure

The proposed Sory Liquors change of corporate structure which is still incomplete. Changes that had to be made were sent back to Alex Locatelli, Esq. And he was also advised that Sory Liquors, has on open charge and the penalty had been agreed upon and the licensee was supposed to plead guilty but this has not occurred.

PENDING FOR TRANSFER

- Reyes Management LLC to "La Nueva Elegancia Inc.**
- Shawlene Inc. to Jet Namaste, Inc.**

BOARD ACTION

The Board adjourned to review proposed Minutes

The Board returned from Recess and the meeting continued.

R1 – 08/15/2013

**ADOPTION OF MINUTES
(This Resolution will be carried
to the next meeting on 9/26/2013)**

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

April 25, 2013

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

Vice-Chairman Julio Garcia

Seconded by Member Osvaldo Garcia

All in Favor; Resolution adopted and amended by Board Lawyer (for next meeting)

R1 – 08/15/2013

**ADOPTION OF MINUTES
(This Resolution will be carried
to the next meeting on 9/26/2013)**

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 27, 2013

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

Vice-Chairman Julio Garcia

Seconded by Board Lawyer, Frank Gioia Esq.

All in Favor; Resolution adopted and amended by Board Lawyer (for next meeting)

R3 – 08/15/2013

RATIFICATION APPROVING CORPORATE/STRUCTURE CHANGE OF P.F. Chang's Bristo, Edgewater, LLC. LICENSE # 0912-33-040-004

WHEREAS, the Division of Alcoholic Beverage Control Enforcement Bureau has completed the criminal background investigation of members of the above mentioned license, as a result of that investigation it has been determined that,

- JASON S. MOZINGO
- JEFFREY W. LONG
- AMAR B. DOSHI

Do not have any criminal disqualifications that would prevent anyone of them from holding an Alcoholic Beverage License.

WHEREAS, the said WNY ABC is satisfied that a review of this application has been made by Board Secretary and Board Attorney and that no objections or complaints have been filed with the WNY ABC by any person or entity or by the West New York Police Department according with Sgt. Michael Clement they have no objections to the transfer request/Corporate structure change on this Liquor License.

THEREFORE, the Change in Corporate Directors renewal of the above-referenced Liquor License has been approved by the State of New Jersey and Municipal WNY ABC Board.

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 August 15, 2013 Regular Meeting.

Adopted: 9/26/2013

Mireya De La Cruz
Board Secretary

R4-08/15/2013
RESOLUTION APPROVING LIQUOR LICENSE
RENEWAL APPLICATIONS FOR THE 2013-2014 TERM
ABC/WEST NEW YORK

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.

WHEREAS, the below listed License have “**Special Ruling to Permit Renewal of Inactive License**” are going to be special conditions, the license has to be taken out of Pocket Status by June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the licenses listed below are renewed for the July 1, 2013 through June 30, 2014 License Term:

The total number of Liquor Licenses approved for the July 1, 2013 through June 30, 2014 License Term at this time is one (1), which total is comprised of the following:

<u><i>Licenses#</i></u>	<u><i>Name</i></u>
0912-33-005-010	Albuja Karla P.
• Class C : 31 Club License-0	
• 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, the total number of Liquor Licenses approved for the July 1, 2013 through June 30, 2014 License Term is forty-five (45) 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 - 2
- 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.

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 on June, 27, 2013.

Mireya De La Cruz/Board Secretary

Motion to adopt by
Vice-Chairman J. Garcia
Member Osvaldo Garcia
All in Favor; Resolution adopted

PUBLIC PORTION

Public present: No One Addressed the Board

ADJOURNMENT

Motion to adjourn made by Member Osvaldo Garcia; seconded by Vice-Chairman Julio Garcia and all voted in favor

Meeting adjourned at 7:20 pm

(ABSENT)

Joan Palazzo, Chairwoman
Board of Alcoholic Beverage Control

Julio Garcia, Vice Chairman
Board of Alcoholic Beverage Control

Osvaldo Garcia, Board Member
Board of Alcoholic Beverage Control

Attest: _____
Mireya De La Cruz
Board Secretary
Adopted: 09/26/2013