

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

Minutes of Regular Meeting September 26, 2013

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

Attest: Mireya De La Cruz
Board Secretary
Adopted: 10/24/2013

Alcoholic Beverage Control Board

September 26, 2013

Regular Meeting

Reference is made to the official transcript of the September 26, 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 7:04PM

Pledge to the flag

Open Public Meetings Act Notice

Roll Call:

Members Present

Member Osvaldo Garcia

Chairman Julio Garcia

Absent

Chairwoman Joan Palazzo

Sgt. Michael Clement

There is a quorum and the meeting continued

Also in attendance:

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

ABC Board Attorney Frank Gioia Esq., made the following announcement at the request of Vice Chairman J. Garcia regarding the

OPEN PUBLIC MEETING ACT

This regular meeting of the ABC Board of the Town of West New York held Thursday, September 26, 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:

Report from Board Attorney Regarding pending matters.

- C-1** **Regarding correspondence from State of New Jersey concerning Gianone Wines & Liquor- the letter is from Attorney General of New Jersey. The licensee was charged with selling alcohol below cost. The State Director suspended Giannone's license for six days but rather than close down for six days, the penalty was converted to a \$5,500 and the store did not close. WNY Police was not involved in this and the Board did not hear the case.**
- C-2** **Regarding letter from the Law Firm of Post, Polak dated September 23, 2013 on behalf of DGNY/Son Cubano – this letter is a notice that they have filed a petition of appeal with the State along with a Certification of Alex Duran and an Affidavit of Service filed by David Epstein, Esq.; an objection to renewal was filed by one of the residents of the Grand View Towers. It is expected that there will be a hearing date sometime in the late fall. Now that the appeal has been filed, the State Director will permit the licensee to operate until the end of the 2013-2014 term.**

PENDING TRANSFER

- **Shawlene Inc. Lic. #0912-33-086-006 to Jet Namaste, Inc.**
- **OHM Satyam Inc #0912-33-092-004 to "52 Lounge LLC.**

BOARD ACTION

The Board adjourned to review proposed Minutes

The Board returned from Recess and the meeting continued.

R1-09/26/2013

ADOPTION OF 4/25/2013 MINUTES

(This Resolution will be carried to the next meeting on 10/24/2013)

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 carry by

Vice-Chairman Julio Garcia

Seconded by Member Osvaldo Garcia

All in Favor; Resolution adopted and Resolution carried to next Board meeting

R2-09/26/2013

ADOPTION OF 6/27/2013 MINUTES

(This Resolution will be carried to the next meeting on 10/24/2013)

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 carry by

Vice-Chairman Julio Garcia

Seconded by Member Osvaldo Garcia

All in Favor; Resolution adopted and Resolution carried to next Board meeting

R3-09/26/2013

APPROVING MINUTES FROM AUGUST 15, 2013

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:

August 15, 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 Member Osvaldo Garcia
All in Favor; Resolution Adopted

R4 - 9/26/2013

RESOLUTION APPROVING

**Transfer of License # 0912-33-012-006 from
Reyes Management, L.L.C. to “La Nueva Elegancia Inc.”**

WHEREAS, an application has been filed for Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License #**0912-33-012-006**, heretofore issued to **Reyes Management 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 the **Board Attorney** and 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 this license; 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 26, 2013 the transfer of the aforesaid Plenary Retail Consumption License to “*La Nueva Elegancia Inc.*”, 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 “*La Nueva Elegancia Inc*” effective September 26, 2013.”

Be It Further Resolved that the place-to-place transfer of the aforesaid license #0912-33-012-006 and its change in status from an inactive license to an active license at that site is hereby approved effective September 26, 2013 and the Board does hereby direct the A.B.C. Board Secretary to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to premises located at 572-57nd Street, West New York, New Jersey.

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 26, 2013 Regular Meeting.

Mireya De La Cruz/Board Secretary

Motion to adopt by
Vice-Chairman Julio Garcia
Seconded by Board Member Osvaldo Garcia
All in Favor; Resolution Adopted

R5 – 09/26/2013
RESOLUTION APPROVING RENEWAL OF
AAS Inc. #0912-43-030-005
FOR THE 2012-2013 LICENSE TERM ADOPTED PURSUANT TO PROVISION OF
ABC/Division of Taxation.

WHEREAS, AAS INC., has sought and obtained all “Tax Clearance Certificates” from the NJ State Division of Alcohol Beverage Control, together with a copy of “Certificate of Incorporation of AAS, Inc., which permits this Board to consider and act upon the application for renewal of License Number 0912-43-030-005 for the 2012-2013 term; and

WHEREAS, the Board has reviewed the application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee “AAS Inc.” has submitted a 12-page application for renewal of License for the 2012-2013 term and has paid all requisite fees and also further seeks to amend an application on file for License #0912-43-030-005 at this time; and

NOW, THEREFORE BE IT RESOLVED on September 26, 2013 by the West New York Board of Alcoholic Beverage Control as follows:

The license issued to AAS Inc. is renewed for the 2012-2013 term.

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 26, 2013 Regular Meeting.

Mireya De La Cruz /Board Secretary

Motion to adopt by
Vice-Chairman Julio Garcia
Seconded by Board Member Osvaldo Garcia
All in Favor; Resolution Adopted

**R6 – 09/26/2013
RESOLUTION APPROVING RENEWAL OF
OHM Satyam, Inc./#0912-33-092-004
FOR THE 2012-2013 LICENSE TERM
ADOPTED PURSUANT TO PROVISIONS OF
“SPECIAL RULING”**

WHEREAS, OHM Satyam Inc., has sought and obtained a “Special Ruling” from the NJ State Division of Alcohol Beverage Control which permits this Board to consider and act upon the application for renewal of License Number 0912-33-092-004 for the 2012-2013; and

WHEREAS, the Board has reviewed the 12-page application on file and no objections to renewal have been filed; and

WHEREAS, the Licensee has paid the filing fees associated with renewal and the required Tax Clearance Certificate for Renewal has been issued by the State Division of Taxation and there are no objections to renewal before the Board

NOW, THEREFORE BE IT RESOLVED on September 26, 2013 by the West New York Board of Alcoholic Beverage Control as follows:

The license issued to Ohm Satyam, Inc. is renewed for the 2012-2013 license term.

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 26, 2013 Regular Meeting.

Mireya De La Cruz /Board Secretary

Motion to adopt by
Vice-Chairman Julio Garcia
Seconded by Board Member Osvaldo Garcia
All in Favor; Resolution Adopted

R7 – 09/26/2013
RESOLUTION APPROVING RENEWAL OF
APPLICATION FOR THE 2013-2014 TERM
ABC/WEST NEW YORK OF
OHM Satyam, Inc/#0912-33-092-004
“SPECIAL RULING”

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 shall have the following special condition pursuant to the **“Special Ruling to Permit Renewal of Inactive License”** :

The license MUST be taken out of Pocket Status by, or before, 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>Licenses#</u>	<u>Name</u>
0912-33-092-004	OHM SATYAM INC

- 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-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 –27
- Class C : 43 Limited Retail Distribution - 2
- Class C : 44 Plenary Retail Distribution - 13

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 26, 2013 Regular Meeting.

Mireya De La Cruz /Board Secretary

Motion to adopt by
Vice-Chairman Julio Garcia
Seconded by Board Member Osvaldo Garcia
All in Favor; Resolution Adopted

R8 – 09/26/2013
RESOLUTION APPROVING RENEWAL OF
APPLICATION 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.

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 are two (2), which total is comprised of the following:

<u>Licenses#</u>	<u>Name</u>
#0912-33-024-008	El Marinero Restaurant Corp.
#0912-43-030-005	AAS Inc.

- 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 - 1
- 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-eight (48) 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 –28
- 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.

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 26, 2013 Regular Meeting.***

Mireya De La Cruz /Board Secretary

Motion to adopt by
Vice-Chairman Julio Garcia
Seconded by Board 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: 10/24/2013