

Town of West New York Hudson County, New Jersey

Alcoholic Beverage Control Board

***Minutes of Regular Meeting
October 28, 2015***

***Joan Palazzo
Osvaldo Garcia
Israel Rodriguez
Board of Alcoholic Beverage Control***

**Attest: Mireya De La Cruz
Board Secretary
Adopted: 12/16/2015**

Alcoholic Beverage Control Board

***October 28, 2015
Regular Meeting***

Reference is made to the official transcript of the October 28, 2015 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

Israel Rodriguez/Member

(Via Phone) Member

Joan Palazzo/Chairperson

Oswaldo Garcia /Member

Also in attendance:

ABC Board Attorney Frank R. Gioia, Esq., Mateo Perez, Esq, Zak Aljaludi, Esq;
Sgt. Marcos Garcia, Police Department, and Board Secretary/Mireya De La Cruz.

There is a quorum and the meeting continued
ABC Board Attorney read the following announcement at the request of the Chairwoman

OPEN PUBLIC MEETING ACT

As presiding officer of this regular meeting of the A.B.C. Board of the Town of West New York, held Wednesday, October 28, 2015, at 7:00 P.M. in West New York Town Hall, Police Training Room – 2nd Floor, 428 – 60th Street, West New York, New Jersey 07093, I do hereby publicly announce, and 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 transmitted by the A.B.C. Secretary to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and Municipal Website and filed with the Town Clerk.

Copies are available to the public in accordance with the law.

Correspondence: Discussed by Board Attorney:

PENDING FOR RENEWAL 2015-2016

- *El Marinero Rest – #0912-33-024-008*
- *Luna Rest - #0912-33-025-011*
- *AAS Inc. - #0912-43-030-005*

- *Report from ABC Counsel Frank Gioia regarding Conference Call 11/16/2015 on DGNV Group/Son Cubano Appeal from the Office of Administrative Law/State of New Jersey. Still on appeal with administrative law Judge Moscovitz, there was a conference call last month at the end of September with Judge and Counsel who reported this as being very close to being resolved.*

Motion to Postpone Consideration of RESOLUTIONS #1, #2, #3 UNTIL NEXT MEETING.

R1 – 10/28/2015

Approving Minutes from February 26, 2015
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:

- ***February 26, 2015***

And the Board Secretary is directed to have the Official Minutes executed by the Board Members and placed into the records of this Board.

R2 – 10/28/2015

Approving Minutes from March 18, 2015
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:

- ***March 18, 2015***

And the Board Secretary is directed to have the Official Minutes executed by the Board Members and placed into the records of this Board.

R3 – 10/28/2015

Approving Minutes from June 24, 2015
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 24, 2015***

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
By Israel Rodriguez
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted

R4 -10/28/2015
Amending Resolution R1/07-29-2015
(Pulling out 512 WNY LLC & The Clam House LLC)

**RESOLUTION APPROVING LIQUOR LICENSE RENEWAL APPLICATIONS FOR
THE 2015-2016 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, 2015 through June 30, 2016 License Term:

The total number of Liquor Licenses approved for the July 1, 2015 through June 30, 2016 License Term at this time is twenty (20), which total is comprised of the following:

<u>Licenses#</u>	<u>Name</u>
1. 0912-31-104-001	OUR LADY OF LIBERA BOOSTER CLUB
2. 0912-32-073-006	MA JAI AMBA CORP
3. 0912-33-005-011	512 WNY LLC
4. 0912-33-015-006	ROGELIO PUIG/LIRA II CORP
5. 0912-33-022-009	THE CLAM HOUSE LLC
6. 0912-33-054-007	ERIKAS LLC
7. 0912-33-066-009	S & F I LLC
8. 0912-33-077-003	SALS OF WEST NEW YORK LIMITED LIABILITY CO
9. 0912-33-085-006	THE TEQUILA RIVER LLC
10. 0912-33-086-007	JET NAMESTE INC
11. 0912-33-091-009	PRODUCCIONES JET LLC
12. 0912-33-093-003	LUCRECIA DIAZ
13. 0912-43-019-009	5505 MEAT CORP
14. 0912-43-059-004	THE J & A GROUP ASSOCIATES LIMITED
15. 0912-44-018-007	SUMM GROUP LLC
16. 0912-44-021-006	OM LIQUOR STORE INC
17. 0912-44-052-006	HOLLYWOOD LIQUORS INC
18. 0912-44-071-006	DEE & JAY CORP
19. 0912-44-080-008	J & L LIQUORS INC
20. 0912-44-087-009	GWG ENTERPRISES LLC

- **Class C : 31 Club License-1**

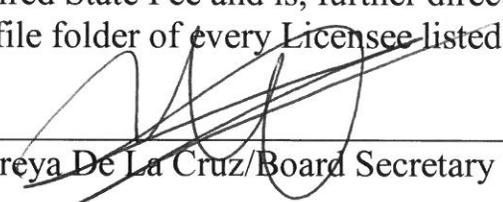
- ***Class C : 32 Plenary Retail Consumption with Broad Package Privilege-1***
- ***Class C : 33 Plenary Retail Consumption -10***
- ***Class C : 43 Limited Retail Distribution - 2***
- ***Class C : 44 Plenary Retail Distribution - 6***

As of the date of the adoption of this Resolution, the total number of Liquor Licenses approved for the July 1, 2015 through June 30, 2016 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***

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.

Adopted: 10/28/2015



 Mireya De La Cruz/Board Secretary

Motion to carry by
By Israel Rodriguez
Seconded by Joan Palazzo/Chairwoman
All in Favor; Resolution Adopted

R5 – 10/28/2015
RESOLUTION APPROVING RENEWAL OF
Tony's Grocery Applications License Term 2015-2016
With "Special Ruling"
Granted by State Director
ABC/WEST NEW YORK OF
TONYS GROCERY #0912-43-020-003

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 for the 2015-2016 terms have been filed in accordance with the provisions of law and all required fees have been received for the below-listed license; 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 this License; and

WHEREAS, the Director of the STATE ABC has issued a Special Ruling which authorizes and permits the local board to consider and act upon the renewal applications,

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the license listed below are renewed for the **July 1, 2015 through June 30, 2016 license Terms:**

<u>Licenses#</u>	<u>Name</u>
0912-43-022-003	Tonys Grocery Co

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 **Oct 28, 2015 Regular Meeting**.



Mireya De La Cruz / Board Secretary

Motion to carry by

By Israel Rodriguez

Seconded by Osvaldo Garcia

All in Favor; Resolution Adopted

R6 – 10/28/2015
RESOLUTION APPROVING RENEWAL OF
512 WNY LLC - License 0912-33-005-011
Application License Term 2015-2016
With “Special Ruling”
Granted by State Director
ABC/WEST NEW YORK

(This License is a “Pocket License (a license not sited at a premises)

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 for the 2015-2016 terms have been filed in accordance with the provisions of law and all required fees have been received for the below-listed license; 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 this License; and

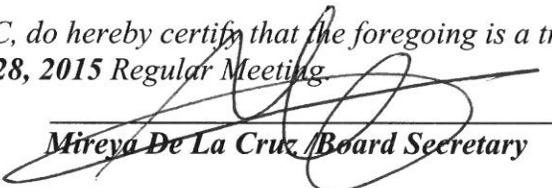
WHEREAS, the Director of the STATE ABC has issued a **Special Ruling** which authorizes and permits the local board to consider and act upon the renewal applications,

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the license listed below are renewed for the **July 1, 2015 through June 30, 2016** license Terms:

<u>Licenses#</u>	<u>Name</u>
0912-33-005-011	512 WNY LLC

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 **Oct 28, 2015 Regular Meeting**.



Mireya De La Cruz, Board Secretary

Motion to carry by

By Israel Rodriguez

Seconded by Osvaldo Garcia

All in Favor; Resolution Adopted

R7 – 10/28/2015
RESOLUTION APPROVING RENEWAL OF
The Clam House LLC - License 0912-33-022-009
Application License Term 2015-2016
With “Special Ruling”
Granted by State Director
ABC/WEST NEW YORK

(This License is a “Pocket License (a license not sited at a premises)
THIS LICENSE NOT BE RENEWED IN THE FUTURE IF IT IS NOT
ACTIVE BY JUNE 30TH OF NEXT YEAR (2016)

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 for the 2015-2016 terms have been filed in accordance with the provisions of law and all required fees have been received for the below-listed license; 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 this License; and

WHEREAS, the Director of the STATE ABC has issued a **Special Ruling** which authorizes and permits the local board to consider and act upon the renewal applications,

NOW, THEREFORE, BE IT RESOLVED by the WNY ABC that the license listed below are renewed for the **July 1, 2015 through June 30, 2016** license Terms:

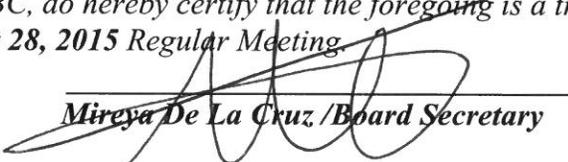
<u>Licenses#</u>	<u>Name</u>
0912-33-022-009	The Clam House LLC

with the following special condition:

that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2016, except if good cause for reconsideration is shown.

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 **Oct 28, 2015** Regular Meeting.



Mireya De La Cruz / Board Secretary

Motion to carry by
By Israel Rodriguez
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted

R9 – 10/28/2015
RESOLUTION APPROVING
Transfer of License # 0912-43-020-004 from
“Tony’s Grocery” to “F & N Corp LLC.”

WHEREAS, an application has been filed for Person-to-Person and Place to Place of License #0912-43-020-004, heretofore issued to “Tony’s Grocery”; which license is currently in inactive, pocket status but which is to be sited and become active upon transfer; 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 43 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 43; 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*

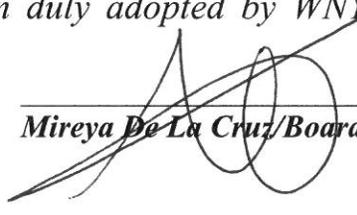
WHEREAS, a Tax Clearance Certificate for Transfer has been received from the NJ Division of Taxation.

***NOW, THEREFORE BE IT RESOLVED** that the West New York ABC does hereby approve, effective **October 28, 2015** the transfer of the aforesaid License to “**F & N Corp 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 “**F & N LLC**”, effective **October 28, 2015**.*

***Be It Further Resolved** that the place-to-place transfer and Person to Person of the aforesaid license #0912-43-022-004 and its change in status from an inactive license to an active license at that site is hereby approved effective **October 28, 2015** 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 **541-60th 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 **October 28, 2015** Regular Meeting.



Mireya De La Cruz/Board Secretary

Motion to carry by
By Israel Rodriguez
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted

R9 – 10/28/2015
RESOLUTION APPROVING
CORPORATE STRUCTURE APPLICATION
El Fonceca Inc.- License # 0912-33-064-005

WHEREAS, an application has been filed for a Change in Corporate Structure of Plenary Retail Distribution License # **0912-33-064-005**, hereto issued to “**El Fonceca Inc.**”

6302 Dewey Ave
West New York, New Jersey 07093

WHEREAS, the submitted application form is complete in all respects, 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

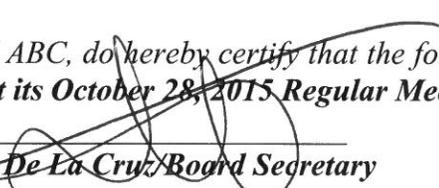
WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the proposed for this Corporate Structure has been properly advertised and proof of publication submitted and no objections 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

NOW, THEREFORE BE IT RESOLVED that the West New York ABC does hereby approve effective, **October 28, 2015** the Change in Corporate Structure of “**El Fonceca Inc.**”, of the aforesaid Plenary Retail Distribution License and does hereby direct the Secretary of ABC Board to endorse the license to the new ownership as follows: **Martha Turcios” 100% stockholder.**

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 **October 28, 2015** Regular Meeting.



Mireya De La Cruz/Board Secretary

*Motion to carry by
By Israel Rodriguez
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted*

PUBLIC PORTION

Public present: No One Addressed the Board

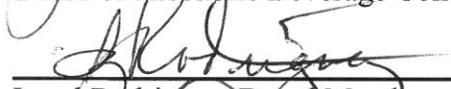
ADJOURNMENT

Motion to adjourn made by Chairwoman Joan Palazzo seconded by Israel Rodriguez, all voted in favor Meeting adjourned at 7:11pm

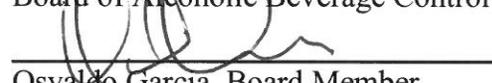
*Motion to carry by
By Israel Rodriguez
Seconded by Osvaldo Garcia
All in Favor; Resolution Adopted*



Joan Palazzo, Chairwoman
Board of Alcoholic Beverage Control



Israel Rodriguez, Board Member
Board of Alcoholic Beverage Control



Osvaldo Garcia, Board Member
Board of Alcoholic Beverage Control


Attest: _____
Mireya De La Cruz/Board Secretary
Adopted: 12/16/2015