

**Pennington Borough Council
Special Meeting – November 24, 2020**

Council President Chandler called the Special Meeting of the Borough Council to order at 7:00 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance. Mayor Lawver was absent.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Police Chief Pinelli and Borough Attorney Walter Bliss. Also present were Ben Sanford, Owner of Cugino's and his attorney Martin Jennings

Mrs. Chandler announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Open to the Public – Agenda Items Only

Mrs. Chandler read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes. Mayor Lawver requested that in consideration of others, all members of the public mute their computers and raise a hand for comments.**

There were no comments from the public.

HEARING ON ISSUANCE OF LIQUOR LICENSE

Mr. Bliss stated that as Borough Attorney he would like to go over the aspects of the Resolution. Mr. Bliss noted that Mr. Jennings representing Cugino's Holding LLC is here and Ben Sanford Managing Partner for the business is also here. Mr. Bliss stated he would like to review the resolution and hear from both the applicant and his attorney.

Mr. Bliss stated that he would like to make clear that this is regarding an application by Cugino's Holding LLC for a plenary retail consumption license, the only license that the Borough can issue.

Mr. Bliss stated that first and foremost it needs to be determined if this is a contested hearing. Mr. Bliss stated that the Borough published notice of the application in the Trenton Times explaining what was happening and inviting objectors to object. Mr. Bliss stated that if there are objections than this would be for a contested hearing and if there are no objectors then it will simply be a review meeting.

Mr. Bliss asked Borough Clerk, Betty Sterling if there have been any objections. Mrs. Sterling stated that objections were to be submitted in writing and since there were none received we can now proceed with a non-contested hearing.

Mr. Bliss stated that in accordance with the Open Public Meetings Act, this meeting was submitted to the Hopewell Valley News and the Trenton Times on November 17th.

Mr. Bliss stated that he will briefly review the history of the license. Mr. Marciante asked why this has to be rehashed as Council has been through this over and over again. Mr. Bliss stated that his intent at the end of this meeting if Council decides to issue the license is to submit a full history of the application to the Division of Alcoholic Beverage Control. Mr. Bliss stated that the level of detail in the Resolution before Council does not make it part of the record.

Mr. Bliss stated that in terms of history this matter has been ongoing since September of 2016 when Borough Council voted to sell the one Plenary Retail Consumption License allowed at public auction. Mr. Bliss stated that a two-step process was agreed on, the first step being pre-qualification of bidders and those bidders who passed the pre-qualification process which was essentially a background check were eligible to bid on the license. Mr. Bliss stated that as of February 2017 only one applicant presented a bid and that was Cugino's Holding LLC and Council passed a resolution that made Cugino's Holding LLC the one qualified bidder eligible to bid on the license. Mr. Bliss stated in March of 2017, Council passed a resolution accepting the bid of Cugino's Holding LLC in the amount of \$175,000. Mr. Bliss stated in March of 2017, Council passed a resolution awarding the license to Cugino's Holding LLC subject to the satisfaction of conditions.

Mr. Bliss stated that the conditions were the payment of the bid price and fees which have never been an issue, the satisfactory criminal background and financial history investigations which have been conducted by Chief Pinelli who can report that the applicant and the two principals satisfy the criminal background and financial history checks. Mr. Bliss stated that Resolution 2016-9.8 outlines criteria for licensed premises and it is also spelled out in the third recital of the resolution before Council tonight. Mr. Bliss stated that the next

condition was approval of the proposed location of the license and once qualified to bid the applicant contemplated expanding the location that he occupied to include a restaurant. Mr. Bliss stated that as of Thursday, November 17th this condition has been satisfied by the issuance of a Certificate of Occupancy for the new restaurant with bar and basement, footings and foundation and the site work which included tie in to a 6 inch sewer line. Mr. Bliss stated that the last condition of the award resolution was establishment of permissible hours of operation. Mr. Bliss stated that it can be served by simply complying with the existing ordinance, Chapter 63, Section 63-1 which prohibits the consumption of alcohol in an establishment between 2 am and 9am on Monday through Saturday and from 2 am to 11 am on Sundays. Mr. Bliss stated that rather than consider anything else the findings of Council set forth in the proposed resolution should be amended to provide a new finding #31 "Hours of operation shall conform with Chapter 63 of the Borough Code". Mr. Bliss asked that this amendment be noted in the record before approving the resolution.

Mr. Bliss stated that the last piece of history is that as of March 2019, two years after the award of the license, the premises had not been completed and the applicant has been granted successive extensions on the license and those extensions run through December 2020.

Mr. Bliss stated that there are several other housekeeping measures on the documents provided to Council. Mr. Bliss stated that he is concerned about a potential conflict, and he would like to hear from the applicant, between the application that was submitted February 18, 2020 and changes in thinking that have occurred since that now make representations in the original application out of date in particular section 4.4 of the application and section 4.5 of the application submitted February 18, 2020, which contemplates that there will be a business other than the sale of alcoholic beverages operating on the premises and the operator will be Cugino's Pennington LLC. Mr. Bliss stated that he understands that the lease has been amended to make Cugino's Holding LLC the tenant and the applicant's representation and modifications to explain that this will be a single unified business and not separate businesses. Mr. Bliss asked Mr. Jennings to comment. Mr. Jennings stated that originally there was to be a market attached to the restaurant and that concept has been dropped and the restaurant will be the only business at the location. Mr. Jennings asked Mr. Sanford to confirm that there will only be a restaurant operating at the location and Mr. Sanford confirmed.

Mr. Bliss stated that he wants to make sure that it is clarified for ABC as the resolution will be different from the application. Mr. Bliss asked for another finding be added to the proposed resolution #30 "Applicant agrees that the above findings are accurate. Applicant further agrees that if any of the above findings conflict with representations in the amended application dated February 18, 2020 the application shall be deemed amended to conform with the findings. "

Mr. Bliss asked that upon adoption he will ask for these two findings to be added to the resolution.

Mr. Bliss stated that everyone has received plans for the restaurant and the floor plans indicate 72 seats and the original resolution required a minimum of 60 seats and he would like clarification of the seating because he has not been able to come up with 72. Mrs. Chandler stated that she counted 72 seats and she explained how she came up with that. Mr. Bliss stated that the important part is that the 10 stools in the bar area are not counted. Mr. Jennings and Mr. Sanford both confirmed the 72 seats. Mr. Bliss stated that it is also important to note that the seats in the original market area are included in the count so that it is clear that they are a part of the licensed restaurant. Mr. Sanford stated that originally the market had its own capacity and the restaurant had its own, but now that it is integrated as one restaurant he is under the maximum for fire safety. Mr. Sanford stated that the outdoor seating is also not included. Some discussion took place with regard to serving alcohol on the outdoor patio and whether that would require a permit for outdoor dining. Mr. Bliss did not feel that it would as you can only access that area through the bar area.

Mr. Bliss stated that one more housekeeping item is related to the period of time that the licenses is applied for. Mr. Bliss stated that all licenses are renewable every June. Mr. Bliss asked if Chief Pinelli or Borough Clerk Betty Sterling had any insight on this. Mrs. Sterling stated that she has a call into the ABC. Chief Pinelli stated that he would also reach out to his contact. Mr. Bliss stated that with the COVID extension that was granted there is a question of what the renewal period will be. Mr. Jennings stated that he would think that this license will be renewable in June of 2021.

Mr. Bliss stated that ABC will review the application to make sure that everything is in line and the Borough is obligated to make sure the license meets the criteria,

Mr. Jennings stated that he has one concern with finding #17 dealing with the registration with the Federal Alcohol and Tobacco and Trade Bureau. Mr. Jennings stated that he provided the required form on September 9th. Mr. Bliss asked for the following amendment to the resolution " On September 9, 2020, applicant filed an Annual Special Tax Registration and Return Form with the Federal Alcohol and Tobacco Tax and Trade Bureau." Mr. Jennings had no other objections.

Mr. Bliss asked if there were any other questions or concerns with the resolution.

Mr. Bliss stated that he would just like to go over satisfaction of the criteria listed in Resolution 2016-9.8. Mr. Bliss reviewed the criteria and referenced various documents that back up the criteria has been met. Mr. Bliss asked Mr. Jennings to confirm compliance with the criteria. Mr. Jennings stated that his client believes he has complied with all of the criteria.

Mr. Bliss stated that at this time the resolution is ready for Council to act on and he reviewed the changes that were agreed to during the hearing. Some discussion took place with regard to hours of operation which are in compliance with the Borough Ordinance.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 -11.15**

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, the Borough of Pennington has the authority to issue a single Plenary Retail Consumption License for the sale of alcoholic beverages; and

WHEREAS, by Resolution 2016-9.8, adopted on September 7, 2016, the Borough Council of Pennington authorized the sale of that license ("License" or "the License") at public sale subject to terms and conditions stated in the Resolution and in accordance with the procedures set forth in N.J.S.A. 33:1-19.3, et seq.;

Conditions for Issuance of License

WHEREAS, the stated conditions for issuance of the License provided that it may be used only in a restaurant as defined in N.J.S.A. 33:1-1 that also meets the following additional criteria:

- (a) has a seating capacity of at least 60 people;
- (b) offers table service by waiter/waitress from a menu to this minimum seating capacity;
- (c) is an existing restaurant or is a restaurant proposed for a site or a structure and is expected to receive preliminary and final site plan approval from the Borough Planning Board in time to permit commencement of licensed operations as set forth below;
- (d) will begin operations under the license within twenty-four (24) months of the resolution granting the license, unless such period is extended by resolution of Borough Council, by the Director of the Division of Alcoholic Beverage Control or otherwise as permitted or required by law;
- (d) complies with all applicable ordinances and other laws;

Prequalification of Bidders

WHEREAS, Resolution 2016-9.8 authorized advertisement for bids for purchase of the License and established a process for the receipt and review of submissions by prospective bidders, first in the form of applications for prequalification for licensure and then, for those qualifying to bid, submission of actual bids;

WHEREAS, the Borough Clerk published notice to prospective bidders as required by law providing that applications for prequalification of bidders be submitted to the Borough Clerk at a date and time certain;

WHEREAS, at that time and date only one application was received, that of Cugino's Holding LLC, 147-149 W. Delaware Avenue, Pennington, New Jersey 08534 ("Cugino's");

WHEREAS, the application of Cugino's was reviewed by the Borough, the applicant Cugino's and its principals were subject to criminal background investigations by the Pennington Borough Police Department, as required by law, and Cugino's was then determined to be qualified to bid for the License;

WHEREAS, by Resolution 2017-2.11, adopted on February 6, 2017, Borough Council memorialized Cugino's prequalification, confirmed that Cugino's was the single entity qualified to bid for the License, and directed that Cugino's provide its bid to the Borough Clerk no later than a date and time specified;

Bidding and Award

WHEREAS, on the adjourned date and time for receipt and opening of bids, March 6, 2017, the bid from Cugino's was opened and determined to provide a bid amount of \$175,000. (the minimum required bid) and the required 20% deposit in the amount of \$35,000.00 in conformance with Resolution 2016-9.8;

WHEREAS, by Resolution 2017-3.4, adopted on March 6, 2017, Borough Council accepted the bid of Cugino's as the highest qualified bid for the License and awarded the License to it, subject to: (a) payment of the balance of the bid price; (b) payment of State and municipal licensing fees not already paid; (c) satisfactory outcome of an investigation of the sources of funds and criminal background checks; (d) compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2-2.1, et seq., including

publication and a hearing if there be objections; (e) satisfaction of conditions of licensure set forth in Resolution 2016-9.8 pertaining to additional criteria for licensed premises (third recital above); (f) approval of the proposed location for the License and any changes in the premises proposed for licensure following initial application and before issuance of the License; and (g) establishment of permissible hours of operation and such other special conditions as permitted by law;

Satisfaction of Conditions of Award

WHEREAS, Cugino's has promptly satisfied payment of bid price (Resolution 2017-3.4, condition 2.a) and is prepared to pay any annual State and municipal licensing fees not already paid (condition 2.b);

WHEREAS, with respect to condition 2.c, investigation of the sources of funds and criminal background checks conducted by the Pennington Borough Police Department have been satisfactory, as set forth in a letter dated March 5, 2020 "To whom it may concern" by Chief of Police Douglas M. Pinelli (then SFC Douglas M. Pinelli, OIC) stating that he has completed his investigation of the owners of Cugino's and concluded that he can find no reason that Egitto or Sanford should be denied their application and that same falls within the guidelines supplied by the Borough of Pennington and the State of New Jersey.

WHEREAS, Cugino's satisfaction of the remainder of the conditions for issuance of the License (Resolution 2107-3.4, conditions 2.d through 2.g) have taken more than the two years contemplated for commencement of operations specified in Resolution 2016-9.8, the delay resulting from an expansion of Cugino's premises and related approvals required for both building and site improvements, including multiple approvals by the Borough Planning Board;

WHEREAS, Borough Council has granted Cugino's successive extensions of time to accommodate the delays, believed to be in good faith, as memorialized in Resolution 2019-3.7, adopted March 4, 2019; Resolution 2020-7.11, adopted July 6, 2020; Resolution 2020-9.16, adopted September 8, 2020; and Resolution 2020-11.9, adopted November 3, 2020;

WHEREAS, through attorney Robert Friberg, Cugino's submitted an initial Retail Liquor License Application dated November 10, 2016, as part of the prequalification process; and after its prequalification, through its current attorney Martin Jennings, Cugino's submitted an amended License Application dated February 18, 2020 ("Amended Application") with attached Certifications dated February 18 and 20, 2020, respectively, and attached copies of floor plans;

WHEREAS, the Cugino's Amended Application has been the subject of review letters by Borough Attorney Walter Bliss and responsive letters and supplemental submittals by Cugino's through Mr. Jennings, resulting in supplemental supporting documentation for the application;

WHEREAS, the principal review letters and responses, with enclosures as indicated, include Bliss to Jennings dated March 12, 2020; Jennings to Bliss dated April 23, 2020; Bliss to Jennings dated June 4, 2020; Jennings to Bliss dated July 20, 2020; Bliss to Jennings dated August 10, 2020; Jennings to Bliss dated August 26, 2020;

WHEREAS, Cugino's has now submitted revised full-size Floor Plans prepared by Saphire & Albarran Architecture LLC, with Revision date of July 10, 2020, showing the main floor of the licensed premises and the basement ("Floor Plans," SK1.0, for project "BORO – Cugino's Holding LLC"), together with undated plan by Saphire & Albarran Architecture depicting the bar area and area for display of alcohol for consumption and sale ("Bar Area," SK.03, for project then known as "Cugino's Italian Specialties") and undated plans by Saphire & Albarran showing exterior elevations for the one-story building (Exterior Elevations," SK-02, for the project then known as "Cugino's Italian Specialties);

Special Meeting on Application

WHEREAS, based on the Amended Application, revised plans and supplemental submittals, the findings of the Chief of the Pennington Police Department, and in anticipation of the issuance of final CO's, Borough Council determined that Cugino's application was ready for final action by Borough Council;

WHEREAS, at its regular meeting on November 2, 2020, Borough Council scheduled a special public meeting of Council for November 24, 2020 at 7:00 PM, on-line via Zoom, to consider the application and take action;

WHEREAS, Public Notice of the Application for Issuance was published in The Trenton Times for two successive weeks, on November 9 and November 16, 2020, specifying that the License is new, to be used at the premises 147 W. Delaware Avenue, Pennington, NJ 08534, identifying the purchaser of the License as Cugino's Holding LLC whose Managing Member is Benjamin Sanford, residing at 1865 Fieldston Lane, Yardley, Pennsylvania 19067, and further directing that objections to the application, if any, should be made in writing immediately and should be addressed to the Pennington Borough Clerk (at the address provided) with a courtesy copy to Martin J. Jennings, Jr. at the address provided for him, noting that a copy of the application documents including all supporting documentation are on file in the Office of the Pennington Borough Clerk at the address indicated;

WHEREAS, notice of the meeting was submitted to the Trenton Times and Hopewell Valley News on September 17, 2020, published in the latter on November 20, 2020, including access information to permit participation by the public;

WHEREAS, after review of the record and testimony by the applicant, Borough Council makes the findings set forth next below. The numbers in parentheses refer to the applicable corresponding sections of the Applicant's Retail Liquor License Application.

Findings

1. The recitals above are incorporated in these finding.
2. Applicant Cugino's Holding LLC is a New Jersey limited liability company whose members include Joseph C. Eggito, 38 Homestead Avenue, Hamilton, New Jersey 08610, and Benjamin Sanford, 1865 Fieldston Lane, Yardley, Pennsylvania 19067. Mr. Sanford is also the Managing Member. (2.1)
3. The License is a Plenary Retail Consumption License to be used by Applicant at the premises at 147-149 W. Delaware Avenue, Pennington, NJ 08534. No licensed premises exist at this location at the present time. (2.2)
4. Cugino's Holding LLC, at that address, has New Jersey Sales Tax Certificate of Authority No. N0000413425, issued and effective on August 18, 2020. (2.4)
5. Cugino's Holding LLC will operate under the trade name "BORO" and as of August 18, 2020 has been issued a Certificate of Alternate Name for this purpose, valid for five years. (2.5)
6. Applicant will be able to use the License at an operating place of business immediately upon issuance. On November 19, 2020, Applicant received UCC Certificates of Occupancy for the new restaurant with bar and full basement and for the footing and foundation, respectively. At the same time Applicant received a Certificate of Approval for site work and tie-in of new 6" sewer line. (2.7)
7. The licensed premises are in a single location, part of a larger single-story building rented to retail businesses making up the shopping center known as Old Mill Square, owned by Old Mill Square, LLC, whose office is located at 98 Franklin Corner Road, Lawrence, New Jersey 08648. Only that portion of the building and outside area leased to Applicant or authorized for its use will be part of the licensed premises. (3.1, 3.2, 3.3, 3.4, 3.9)
8. The entire premises leased and occupied by Applicant will be part of the licensed premises, as shown on the Floor Plans revised as of July 10, 2020. (3.3, 3.4)
9. Applicant's Floor Plans indicate a total of 72 seats in the restaurant with table service from a menu. Almost the entire 1,131 square feet of newly constructed space will be devoted to the formal restaurant with bar. (3.3, 3.4)
10. In a written statement by Benjamin Sanford dated June 22, 2020, Mr. Sanford represents that the restaurant will have both formal and informal settings. The informal dining area will be in the area that is currently known as Cugino's Italian Market. The primary focus in this area will be on sandwiches, salads, pizza and the like for both takeout and dine-in service. A small espresso/wine bar will also be located in this area, as shown on the Floor Plans. Upon sitting down in the informal dining area, the patron will be greeted by the bartender/barista or a server with a menu to take orders for food and beverages, to be delivered to the table. A customer wanting to make a take-out order will call in to order and then pick up or place the order inside with someone behind the counter/bar where food and drinks are being prepared. Mr. Sanford anticipates that customers will enter through the outside entrance door to the informal service area, but the informal area is connected by double doors to the more formal restaurant giving free public access to both areas from the other. (3.3, 3.4, 4.4)
11. Applicant does not own the building. Under an amended lease with Old Mill Square, LLC, effective October 8, 2020 ("Amended Lease"), Applicant will take over the lease of Cugino's Pennington LLC d/b/a Cugino's Italian Specialties. Part of the leased space is an outdoor patio area at the southerly end of the leased space which will also be part of the licensed premises. The Floor Plans show a waiting area consisting of six seats in this patio area. (3.5, 3.7)
12. The outside sidewalk area adjacent to the westerly side of the restaurant will also be part of the licensed premises to the extent consistent with Borough ordinances governing the use of outdoor space by the Borough. The Amended Lease provides that it covers this outside area subject to compliance with Borough ordinances. The Floor Plans show 6 tables and 18 seats in this area, identified on the Plans as "waiting area." (3.5)
13. The Amended Lease also provides that deliveries to Applicant's business shall be made in the rear of the building for as long as a certain Use Agreement between Applicant and the

Borough remains in effect. Thereafter deliveries will have to come in through access points permitting entry into the leased property in a manner that avoids interference with any other tenant, to the extent possible.

14. There is no unlicensed area between buildings under the License or between licensed adjacent grounds. This is a single unified space. (3.6)

15. The nearest entrance of the premises to be licensed is not within 200 feet of the nearest entrance of any church or school. (4.1)

16. Applicant will not use any vehicles for the transport or delivery of alcoholic beverages. (4.2)

17. On September 9, 2020, applicant filed an Annual Special Tax Registration and Return Form with the Federal Alcohol and Tobacco Tax and Trade Bureau. Applicant has not previously engaged in the sale of alcoholic beverages. The Division of Taxation has advised Applicant that the Division does not issue a "Tax Clearance Certificate" for new issuances of liquor licenses, only for license transfers. (4.3)

18. The sale of alcoholic beverages by applicant will be part of a restaurant and bar with formal and informal eating areas as described by Mr. Sanford. Applicant will also offer take out trays and platters of food for consumption off premises. (4.4)

19. All business in the licensed premises will be conducted by Applicant Cugino's Holding LLC t/a "BORO." (4.5)

20. Applicant answers in the negative the questions at 5.1 through 5.3 of the Application, with respect to itself and all other people mentioned in the Application. No one is a police officer or ABC enforcement official, no one is a public office holder or a person with an interest in a brewery or winery or the like. (5.1 through 5.3)

21. Applicant answers in the negative the questions 6.1 through 6.4 of the Application. It has never been denied a liquor license in New Jersey, nor has any corporation, partnership or individual mentioned in the Application other than Applicant ever been denied an application, nor has anyone mentioned in the Application ever had an interest in an Application that was surrendered, suspended or been penalized in any way in connection with a liquor license; and none of the involved individuals ever been convicted of a criminal offense. (6.1 through 6.4)

22. Applicant answers in the negative the questions 7.1 and 7.2 of the Application. None of the persons with an interest in the License and no members of their immediate families has an interest in any other New Jersey liquor license, nor would any person or corporation named in this Application fail to qualify for ownership of a license if applying as an individual because of age, criminal conviction or prohibited interests in other licenses. (7.1 and 7.2)

23. Public Notice of the Application was published prior to the award of the License and again in The Trenton Times on November 9, 2020 (first notice) and November 16, 2020 (second notice). (8.7 and 8.8)

24. Applicant answers in the negative the questions 9.1 through 9.3 concerning third-party interests in the License or the furniture, fixtures, goods and equipment of the business, or the receipts or profits of the business. (9.1 through 9.3)

25. The home office of Applicant Cugino's Holding LLC is the licensed premises. Its New Jersey Sales Tax Certificate of Authority Number is identified above (at 2.4). Applicant is an existing, valid limited liability company, chartered or incorporated on October 31, 2016 in New Jersey (certificate or incorporation number 0450115975. Its charter has never been revoked. Its registered agent is Benjamin Sanford at the address of the licensed premises. There are no third-party owners of Applicant. (10.1 through 10.11)

26. Applicant has supplied the ownership information requested in the Application, identifying Benjamin Sanford and Joseph C. Egitto as 50/50 owners of the business. (Page 10 A of the Application)

27. Applicant has supplied the Affidavit required on page 11 of the Application. The period the license is applied for is to be determined by the Division of Alcoholic Beverage Control.

28. Mr. Egitto and Mr. Sanford have supplied the required Certifications of Proof of Compliance.

29. The Application meets the additional criteria specified in Resolution 2016-9.8 as follows:

(a) The License will be used only in a restaurant as defined in

N.J.S.A. 33:1-1;

- (b) The restaurant has a seating capacity of at least 60 people;
- (c) The restaurant offers table service by waiter/waitress from a menu to this minimum seating capacity;
- (d) Construction of the restaurant has been completed in the time specified, as extended by Borough Council;
- (e) As reflected in the Floor Plans and the exchanges between legal counsel, the restaurant complies with all applicable laws and regulations.

30. Applicant agrees that the above Findings are accurate. Applicant further agrees that if any of the above Findings conflict with representations in the Amended Application dated February 18, 2020, the Application shall be deemed amended to conform with the Findings.

31. Hours of operation shall conform with the requirements of Chapter 63 of the Borough Code.

32. There is no known objection to this Application.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, in its capacity as municipal issuing authority, there being no objection to this Application by any person, that:

1. Issuance of the Borough’s Plenary Retail Consumption License to Cugino’s Holding LLC is hereby approved and authorized, subject to (a) issuance of a license number by the New Jersey Division of Alcoholic Beverage Control and any further review by the Division as may be required by law, and (b) payment of all applicable State and municipal fees.
2. The Borough Clerk is directed to take such actions as necessary to submit this resolution and requested documents to the Division of Alcoholic Beverage Control, to collect the applicable fees, and to issue the license.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Marciante	M			
Gnatt	X				Mills	X			
Griffiths	X				Semple	S			

Council Member Marciante made a motion to approve Resolution 2020-11.15, second by Council Member Semple with all members present voting in favor of the Resolution as amended by Mr. Bliss.

Public Comment

Mr. Marciante stated that on social media there is a movement for a decorated house contest. Mr. Marciante would like the Borough to support this event. Some discussion took place with regard to who is sponsoring the event and how it works. Ms. Semple stated it would be better for the Borough to stay out of this. Mrs. Heinzel stated that she can post the event on the website to promote it.

At 7:46pm, with no further business to come before Council, Council Member Mills made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk