**MINUTES OF THE REGULAR MEETING OF THE LINDEN**

**BOARD OF ALCOHOLIC BEVERAGE CONTROL HELD**

**MONDAY, AUGUST 10, 2016**

A regular meeting of the Linden Board of Alcoholic Beverage Control was held in City Hall, 301 North Wood Avenue, Linden, NJ on Monday, August 10, 2016 at 4:07 p.m.

Chairman Cornwell called the meeting to order and announced that the Notice of this meeting stating the date, place and time was disseminated under the Open Public Meetings Act.

A roll showed the following members in attendance:

Commissioner Callahan

Commissioner Chesney

Chairman Cornwell

Also present was A.B.C. Secretary Joseph C. Bodek; and A.B.C. Detective Sadowski. A.B.C. attorney Nicholas Scutari (via teleconference)

Mr. Bodek spoke to the Commissioner regarding the status of License #2009-31-078-001, Columbian Club of Linden, NJ. The license was not renewed for the 2015-2016 term, as well as the 2016-2017 term. Due to the non-renewal for the 2015-2016 term, the license was no longer eligible for renewal, and was considered a dead license. A resolution memorializing that fact had been prepared.

**RESOLUTION DECLARING**

**LICENSE #2009-31-078-001 AS**

**A “DEAD LICENSE IN HISTORY”**

**WHEREAS,** Club License Number 2009-31-078-001, issued to Columbian Club of Linden, N.J. did not file for renewal for the 2015 – 2016 licensing term; and

**WHEREAS,** Club License Number 2009-31-078-001 was situated at 118 N. Park Ave, Linden and said premises was sold on December 29, 2015; and

**WHEREAS,** Columbian Club of Linden, N.J. failed to file the required renewal application for the 2015-2016 licensing term with the issuing authority prior to the beginning of the license term, or not later than thirty days after the expiration of its license as required by N.J.S.A 33:1-12.18; and

**WHEREAS,** Columbian Club of Linden, N.J. failed to petition the State Director within one year (until July 30, 2016) following the expiration of the license renewal period and request a Special Ruling to permit the filing of an application for a new license upon failure to timely renew; and

**WHEREAS,** Columbian Club of Linden, N.J. also failed to file the required renewal application, and fees for the 2016-2017 licensing term with the issuing Authority.

**BE IT RESOLVED** that the Board of Alcoholic Beverage Control does hereby declare Club License 2009-31-078-001, issued to Columbian Club of Linden, N.J. as a “dead license in history”; and

**BE TI FURTHER RESOLVED THAT THE** State of New Jersey, Division of Alcoholic Beverage Control, is hereby advised of same and requested to adjust their records accordingly.

Mr. Chesney moved the resolution declaring license #2009-31-078-001 a “Dead License.” The motion was seconded by Mr. Callahan and was unanimously ordered approved by a roll call vote.

Mr. Bodek informed the Commissioners that an additional license was ready for renewal for the 2016-2017 licensing term. He noted that 12:18 and 12:39 rulings had been granted by the State Director, and the license, Cohiba Lounge and Restaurant, LLC, had met all of the conditions established by the State Director.

**RESOLUTION RENEWING AN A.B.C. LICENSE**

**WHEREAS,** A RENEWAL APPLICATION FOR Alcoholic Beverage License for the license term July 1, 2016 to June 30, 3017 was submitted in proper form, together with the appropriate license fees, and a tax clearance certificate has been received for the following:

**PLENARY RETAIL CONSUMMTION LICENSE - $1,200.00**

**Name and Address LICENSE NUMBER**

**Cohiba Lounge and Restaurant LLC 2009-33-014-007**

(Pocket License)

599 Monroe Avenue Apt 1

Elizabeth, NJ 07201

**WHEREAS,**  the application for the 2015-2016 licensing term and annual fees were received after July 30, 2015 requiring the licensee to file a verified petition, with the State Director, to authorize a “new” license as required in N.J.S.A. 33:1-12.18; and

**WHEREAS,** said license also filed a verified petition, with the State Director, to permit the renewal of an inactive License, that has been inactive since October 15, 2013, pursuant to N.J.S.A 33:1-12.39 for the 2014-2015; 2015-2016 and 2016-2017 license terms; and

**WHEREAS,** a Special Ruling, dated May 23, 2016 has been received, from the State Director authorizing a “new” license pursuant to N.J.S.A. 33:1-12.18, and authorizing the renewal of the license pursuant to N.J.S.A, 33:1-12.39; and

**WHEREAS,**  the licensee has met all the terms and conditions set forth by the State Director in his special ruling of May 23, 2016 and as amended, by the director, on June 30, 2016; and

**NOW, THEREFORE BE IT RESOLVED,** that the Alcoholic Beverage Control Board of the City of Linden does hereby grant the request for a “new” license pursuant to N.J.S.A. 33:1-12.18; and

**BE IT FURTHER RESOLVED,** that the Alcoholic Beverage Control Board of the City of Linden does hereby renew the subject license for the 2014-2015; 2015-2016; and 2016-2017 license terms as permitted by N.J.S.A. 33:1-12:39.

Mr. Callahan moved the resolution renewing the license of Cohiba Lounge and Restaurant, LLC. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a roll call vote.

Mr. Bodek reviewed the list of un-renewed licenses, and the reason that each is not eligible for renewal.

Public Comment

There were no members of the public present.

There being no further business to come before the Board, Mr. Callahan moved to adjourn the meeting. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a voice vote. The meeting was adjourned at 4:15 pm.

Respectfully submitted,

Joseph C. Bodek

A.B.C. Secretary