

**TOWNSHIP OF WARREN  
RESOLUTION NO. 2018-50  
AUTHORIZING THE PROCEDURES AND CONDITIONS  
REGARDING THE PUBLIC SALE OF A NEW PLENARY RETAIL DISTRIBUTION  
LIQUOR LICENSE**

**WHEREAS**, N.J.S.A 33:1-12.14 provides that no new Plenary Retail Distribution License shall be issued in a municipality unless and until the number of such Licenses existing in the municipality is fewer than one (1) for each 7,500 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

**WHEREAS**, the U.S. Bureau of the Census figure for the 2010 Census has been certified by the New Jersey Secretary of State Department; and

**WHEREAS**, pursuant to such certified figures, the population of the Township of Warren is 15,311 persons; and

**WHEREAS**, as a result of the foregoing, there exists in the Township of Warren the authority to issue one (1) new Plenary Retail Distribution License for the sale of alcoholic beverages in a packaged goods store only and not for consumption at the licenses premises other than wine tasting; and

**WHEREAS**, the Township Committee has determined to sell, at public sale, one (1) new Plenary Retail Distribution License; and

**WHEREAS**, pursuant to N.J.S.A 33:1-19.3, it is the desire of the Township Committee of the Township of Warren, to accept sealed bids for said new License as required by law subject to the terms and conditions herein specified.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Warren as Follows:

1. The Township Committee hereby determines that it will sell at public sale one (1) new Plenary Retail Distribution License (the "License") to the highest qualified bidder, in accordance with the procedures set forth in *N.J.S.A 33:1-19.3 et seq.*
2. The Township Clerk shall publish a notice of the public sale and an invitation to bid in the Courier News and Star Ledger at least two (2) times, the notices to be published at least one week apart, pursuant to the requirements of *N.J.S.A. 33:1-19.4.*
3. The minimum bid that shall be considered for the license shall be \$ 380,000.00
4. Prospective bidders must be pre-qualified and only the bids of qualified bidders will be opened.
5. To pre-qualify, a prospective bidder must submit the following to the Purchasing Department of the Township of Warren at 46 Mountain Boulevard, Warren, NJ 07059 on or before March 9, 2018:

- a. Completed pages one (1), two (2) and eleven (11) of the State of New Jersey, Department of Law & Public Safety, Division of Alcoholic Beverage Control Retail Liquor License Application Form.
- b. A separate Certification of proof of compliance by the applicant that it meets all conditions or requirements contained in this resolution, including that he/she knows of no other reason why he or she would be disqualified from having an interest in a Retail Liquor License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder.
- c. A separately sealed envelope containing the bid amount and the remittance of a deposit in the amount of \$38,000.00 (10% of the minimum bid amount) by certified check, made payable to the Township of Warren, the outside of which envelope shall state "2018 Plenary Retail Distribution Liquor License Bid" and the name of the bidder.
- d. Bidder must demonstrate that it intends on actively using the License by showing proof of a lease or an ownership interest in a location of the Township described in subsection (i) of this subsection.
  - i. The License shall only be utilized as a package goods store in the any one of the following locations:
    - (1) Community Business (CB) zone district.
    - (2) Block 70.02, Lot 133 (Quail Run Shopping Center).

The premises on which the Licensee operates must comply with all Township zoning regulations and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

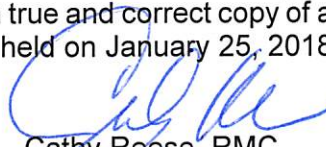
6. On March 29, 2018 at 10:00 A.M. in the Union Village Conference Room in the Warren Town Hall, 2<sup>nd</sup> Floor, 46 Mountain Boulevard, Warren, NJ the Township Clerk shall publicly announce those prospective bidders who have prequalified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in this resolution, the published notices and other applicable law. The names of those bidders who are pre-qualified shall be posted on the bulletin board in the Warren Township Municipal Building, 46 Mountain Boulevard, Warren, New Jersey.
7. On April 3, 2018 at 10:00 A.M. in the Union Village Conference Room in the Warren Town Hall, 2<sup>nd</sup> Floor, 46 Mountain Boulevard, Warren, NJ, the Township Clerk shall open the bids of the prequalified bidders and publicly announce the name of each bidder and the amount of each bid.
8. No bid shall be opened from or on behalf of any prospective bidder who does not qualify. No bid shall be considered which does not contain proof of qualification and any and all other requirements.

9. The Township Committee shall accept the highest qualified bid, by written Resolution, adopted at a public meeting on April 12, 2018 at 7:00 P.M., or shortly thereafter, provided the Township Committee does not reject all bids. After the acceptance of the highest qualified bid, the issuance of the License to the highest qualified bidder shall be subject to each of the following:
  - a. Within thirty (30) days of the date of the Resolution of the Township Committee accepting the highest bid, the prevailing bidder shall submit a full and complete twelve (12) page State of New Jersey, Department of Law & Public Safety, Division of Alcoholic Beverage Control Retail Liquor License Application Form and payment of the State License Application fee (\$200.00).
  - b. Within five (5) days of the date of the Resolution of the Township Committee accepting the highest bid, payment of the balance of the bid for the License by certified check made payable to the Township of Warren. Failure to make timely payment of the balance shall, at the option of the Township Committee, result in voiding the License award and forfeiture of the successful bidder's deposit whereupon the Committee may award the License to the next highest qualified bidder or take no further action.
  - c. Payment of the Annual Municipal Retail License Fee for the License (\$1,788.00).
  - d. Receipt of favorable State and/or Federal criminal background checks for the prospective Licensee and all individuals named in the application.
  - e. Satisfactory outcome of further municipal background checks by the Police Department to investigate the source of funds used to purchase the License.
  - f. Compliance with publication, hearing and resolution requirements under NJAC 13:2-2.1 et seq. related to the successful applicant/bidder.
  - g. Approval by the Township Committee of the issuance of the license as a person to person transfer and siting of the license as a place to place transfer.
10. The deposit of all unsuccessful bidder(s) shall be returned within ten (10) days after the announcement of prequalification for those bidders who did not prequalify, and, for all other bidders, within ten (10) days of the date of the Resolution of the Township Committee accepting the highest bid.
11. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.
12. The sale may be postponed or cancelled at any time prior to the opening of the bids.
13. A new license must be issued within six months after the closing date established for acceptance of applications as set forth in the Notice. If a license is not issued within such time, no License can be issued without again complying with all of the Resolution and Notice provisions of the law.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
	x	LAZO	x			
x		MARION	x			
		GARAFOLA				x
		DINARDO				x
		SORDILLO	x			

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on January 25, 2018.



Cathy Reese, RMC  
Township Clerk