

RESOLUTION NO. 193-2013

RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON AUTHORIZING THE ADVERTISEMENT FOR SALE BY SEALED BID OF FOUR (4) PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, the Mayor and the Committee of the Township of Harrison have determined that it is in the best interest of the Township of Harrison to conduct a public sale of four (4) Plenary Retail Consumption Licenses to the highest qualified bidder; and

WHEREAS, N.J.S.A. 33:1-19 et seq. permits the governing body to prescribe qualifications for prospective bidders; to fix a minimum bid; and to set conditions of the sale for such licenses; and

WHEREAS, the Mayor and Committee of the Township of Harrison have determined to permit the issuance of four (4) Plenary Retail Consumption Licenses pursuant to the public bid procedures set forth in N.J.S.A. 33:1-19.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Harrison, County of Gloucester, State of New Jersey, as follows:

1. The Committee of the Township of Harrison, pursuant to the authority conferred by N.J.S.A. 33:1-19.1 et seq., has determined to issue four (4) Plenary Retail Consumption Licenses.
2. The following conditions shall apply to the award and issuance of the licenses:
 - a. The liquor licenses shall be used in conjunction with the operation of a full-service restaurant as defined in Harrison Township Zoning Code §225-3.
 - b. The minimum bid amount which shall be considered is \$2,000,000.00 for all four (4) Plenary Retail Consumption Licenses, and all four (4) Licenses shall be simultaneously purchased by one (1) bidder.
 - c. The licenses shall only be utilized in the Township's Planned Village Center Overlay Zone District, §225-166.
 - d. Prospective bidders must prequalify and only the bids of qualified bidders will be opened.
3. To qualify, a prospective bidder must submit to the Township Clerk no later than 11:00 A.M. on Thursday, December 19, 2013, the following:
 - a. Proof of qualification of the bidder, including without limitation fully completed twelve (12) page Alcoholic Beverage Control Act form.
 - b. Proof of financial ability to consummate the purchase of the four (4) licenses.
 - c. A separate Certification of proof of compliance by the applicant that it meets any and all conditions or requirements contained in this resolution, including that the license will be used in conjunction with a full-service restaurant as defined in Harrison Township Zoning Code §225-3, and knows of no reason why he or she would be disqualified from having an interest in a Retail Liquor License in New Jersey on the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder.

d. Records of past ABC violations, if any, involving the prospective bidder or bidder's principals (i.e. owners of more than a 10% equity or debt interest).

e. Sealed envelope containing the above required documents. Qualified bidders will be announced and published by the Township Clerk at 10:00 A.M. on Monday, December 23, 2013 at the Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062. A list of such prequalified bidders shall also be posted on the public announcements bulletin board in the Municipal Building and on the Township web site.

4. Sealed bids together with a completed and notarized non-collusion affidavit shall be received on or before 11:00 a.m. on Friday, December 27, 2013 at the office of the Township Clerk, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062. The bid shall contain a Cashier's or certified check as a deposit in the amount equal to ten percent (10%) of the bid amount and payable to the "Township of Harrison". The outside of the envelope shall state:

- a. "2013 Liquor License Bid"; and
- b. The name of the Bidder.

Immediately after opening the sealed bids of the prequalified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

5. The Township Committee shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. It is anticipated that the Township Committee shall award or reject the bids at a public meeting on December 30, 2013. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following:

a. Payment of the balance of the by a Cashier's or certified check made payable to the "Township of Harrison" within thirty (30) days of the date that the Resolution of the Township Committee awards the bid. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit, whereupon the Township may award the license to the remaining highest bidder or determine to reject all bids.

b. Payment of the State License Application Fee.

c. Payment of the Annual Municipal Retail License Fee.

d. Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.

e. Receipt of favorable State and/or Federal criminal background checks.

f. Compliance with the publication, hearing and Resolution requirement under N.J.A.C. 13:2-2.1, et seq.

The deposit(s) of all unsuccessful bidder(s) shall be returned within ten (10) days of the date of award.

6. The Township reserves the right to reject any and all bids.

7. The sale may be postponed or canceled at any time prior to the opening of the bids.

8. Applicants shall also comply with all other provisions of N.J.A.C. 13:2-1, et seq., including, but not limited to, notice of application.

ADOPTED at a special meeting of the Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey held on November 13, 2013.

TOWNSHIP OF HARRISON

BY: _____
LOUIS F. MANZO, MAYOR

ATTEST:

DIANE L. MALLOY
Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Manzo				
Clowney				
Diggons				
Heim				
Shearer				

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a special meeting held by the same on November 13, 2013 in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.

DIANE L. MALLOY
Clerk

TOWNSHIP OF HARRISON
2013 PROPOSED NEW PLENARY RETAIL CONSUMPTION LICENSE SCHEDULE

Projected Dates

November 13, 2013	Resolution to permit issuance of new Licenses
November 14, 2013 November 27, 2013	Legal Advertisement, two (2) times, not less than 1 week apart, not less than 30 days prior to sale date.
December 19, 2013	- Applicants to submit 12 page ABC application - Applicants to submit Certification of Proof of Compliance
December 23, 2013	10:00 a.m. – Twp. clerk publicly announces bidder to have pre-qualified. List of pre-qualified bidders to be posted.
December 27, 2013	11:00 a.m. – Date of Sale; sealed bids opened by Twp. Clerk
December 30, 2013	Township Committee Award/Rejection of bids
January 10, 2014	Return deposits of all unsuccessful bidders within 10 days of award
January 30, 2014	- Applicant to pay balance of bid within 30 days of Resolution adoption - Applicant to pay State License Fee \$200.00 - Applicant to pay Annual Municipal License Fee \$2,500.00 - Satisfactory outcome of police background check

TOWNSHIP OF HARRISON, GLOUCESTER COUNTY

NOTICE TO BIDDERS

The Township Committee of the Township of Harrison, Gloucester County, New Jersey will be accepting bids for the sale of FOUR (4) PLENARY RETAIL CONSUMPTION LICENSES for premises within the Township of Harrison as authorized by Resolution No. 193-2013 adopted by the Township Committee on November 13, 2013.

1. The Committee of the Township of Harrison, pursuant to the authority conferred by N.J.S.A. 33:1-19.1 et seq., has determined to issue four (4) Plenary Retail Consumption Licenses.
2. The following conditions shall apply to the award and issuance of the licenses:
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Diane L. Malloy, R.M.C. – Clerk, Township of Harrison