

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2013-177

Council Meeting Date: 05-23-2013

Date Adopted: 05-23-2013

TITLE: RESOLUTION OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY AUTHORIZING PUBLIC SALE OF ONE PLENARY RETAIL CONSUMPTION LICENSE

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Kapner.

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough of New Providence to conduct a public sale of one (1) Plenary Retail Consumption License 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.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

1. The Borough Council of the Borough of New Providence, pursuant to the authority conferred by N.J.S.A. 33:1-19.1 et seq., has determined to issue one (1) Plenary Retail Consumption License.

2. The following conditions shall apply to the award and issuance of the License:

a. The liquor license shall be used in conjunction with the operation of a bona fide restaurant, in accordance with the provisions of Borough Ordinance 2012-09 and Chapter 109 of the Code of the Borough of New Providence.

b. The minimum bid which shall be considered is \$400,000.00.

c. Prospective bidders must prequalify and only the bids of qualified bidders will be opened.

3. In order to qualify for the right to submit a bid on the above license, a prospective bidder must submit to the Borough Clerk no later than 4:00 P.M. on Tuesday, November 12, 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 undertake the purchase of the license and the contemplated project/premises.

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 bona fide restaurant, in accordance with Borough ordinance 2012-09 and Chapter 109 of the Borough Code, 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. Information regarding type, size and special features of the contemplated project/premises.
- e. Records of past ABC violations involving the prospective bidder or bidder's principals (i.e. owners of more than a 10% equity or debt interest).
- f. Sealed envelope containing the above required documents.

Qualified bidders will be announced and published by the Borough Clerk at 10:00 A.M. on Monday, November 25, 2013 at the Municipal Building, 360 Elkwood Avenue, New Providence, NJ 07974. A list of such prequalified bidders shall also be posted on the public announcements bulletin board in the Municipal Building and on the Borough web site.

4. Sealed bids together with a completed and notarized non-collusion affidavit shall be received on or before 10:00 a.m. on Monday, December 16, 2013 at the office of the Borough Clerk, 360 Elkwood Avenue, New Providence, NJ 07974. The bid shall contain a certified check as a deposit in the amount of \$40,000.00 and payable to the Borough of New Providence. 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 Borough Clerk shall publicly announce the amount of each bid received and the name of each bidder.

5. The Borough Council shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. 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 certified check made payable to the "Borough of New Providence" within five (5) days of the date that the Resolution of the Borough Council making the award is adopted. Failure to make timely payment of the balance shall, at the option of the Borough, result in voiding of the license award and forfeiture of the successful bidder's deposit, whereupon the Borough 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 Borough 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.

APPROVED, this 28th day of May, 2013.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN				X
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 28th day of May, 2013.

Wendi B. Barry, Borough Clerk