

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2015-256

Council Meeting Date: 07-13-2015

Date Adopted: 07-13-2015

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

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

WHEREAS, the Council of the Borough of New Providence has determined that it is in the best interests of the Borough of New Providence to conduct a public sale of one or more plenary retail consumption licenses; and

WHEREAS, N.J.S.A. 33:1-19, et seq. permits the Governing Body to issue new licenses and accept applications from interested parties;

NOW, THEREFORE, BE IT RESOLVED, by the 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. 33:1-19.2, has determined to issue one or more plenary retail consumption licenses;
2. The Governing Body shall utilize what is commonly known as the historical method to evaluate applicants to determine whether their proposal is in the best public interest;
3. All interested applicants will submit complete applications and pay all required fees. All applicants will be required to publish a public notice two times of their intent to apply for the license, and the proposed licensed premises. At a public hearing, each applicant will be evaluated by the Governing Body, and the following factors will be considered:
 - a. The intended use of the license by the applicant, which use must be in accord with the Borough ordinances regarding liquor licenses;
 - b. Location of the premises from which the applicant will maintain its business. With regard to this factor, the Governing Body will consider the impact on traffic, the aesthetics of the planned establishment, and the availability of parking;

- c. A business plan of the applicant to be submitted with the application shall include, but not be limited to, information concerning the hours of operation; the number of proposed tables/seats; the type of liquor to be sold (wine and beer, microbrewery, hard liquor); and the type of food to be sold;
 - c. Whether the location from which the applicant intends to operate shall be owned by the applicant or leased by the applicant. If leased, details of the lease must be provided;
 - d. With regard to the location of the planned business, the Governing Body will consider proximity to churches, schools and public parks;
 - e. The applicability of any land use provisions;
 - f. The ratable impact if such license is issued;
 - g. Community needs;
 - h. The amount offered for purchase of a liquor license by the applicant;
 - i. The prior business experience of the individuals that will be operating the business, whether the business is to be operated as a proprietorship, partnership or corporation;
 - j. Whether any individual, partnership, corporation or association has ever held a liquor license, and whether such license was ever suspended or revoked;
 - k. Whether the applicant will maintain liquor liability insurance;
 - l. Financial documentation establishing the fiscal condition of the applicant, including, but not limited to, the last three (3) years Federal and State tax returns, profit and loss statements, and balance sheets;
 - m. Whether the applicant will obtain a loan in order to purchase the liquor license, and if so, the terms of such loan;
 - n. Any and all other information to be included as required in the application for a retail alcoholic beverage license.
4. In order to qualify for the right to purchase a liquor license, all applications and required information must be submitted by a date and time to be established by the Borough Council, to be published by the Borough Clerk;
 5. The Borough Clerk shall publish a notice of the proposed issuance, and then applications will be accepted by the municipal issuing authority. The notice shall specify the date and time after which no additional applications will be accepted. The notice will be published not less than two times in a newspaper circulating generally in the municipality, one week apart, the second and last publication

shall be done not less than 30 days prior to the date and time specified in the notice as the date and time after which no additional applications will be accepted;

6. All interested applicants must submit complete applications and pay all required fees. All applicants will publish notice two times of their intent to apply for the license, and the proposed licensed premises. A public hearing will then be held at which time each applicant shall be evaluated by the Borough Council taking into consideration the factors previously set forth herein;
7. One or more licenses shall be awarded to the applicants whose proposals are deemed to be in the best public interest;
8. If a new license is not awarded within six months of the closing date and time for receipt of applications, no license shall be awarded;
9. The Borough of New Providence is not required to issue a license after publishing notice, and if there are no applicants, or if it is determined that issuance to those who have applied will not be in the best public interest, a license will not be issued;
10. The Council of the Borough shall, by written resolution, adopted at a public meeting, either award a license to one or more qualified applicants, or reject all applications. If the award is made to a qualified applicant, the ultimate issuance of the license shall be subject to each of the following:
 - a. Payment of the amount offered 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 shall, at the option of the Borough, result in the voiding of the license awarded;
 - 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 of N.J.A.C. 13:2-2.1, et seq.

APPROVED, this 13th day of July, 2015.

RECORD OF VOTE

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

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 13th day of July, 2015.

Wendi B. Barry, Borough Clerk