

**RESOLUTION NO. 2023-068**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF ONE (1) PLENARY RETAIL CONSUMPTION LICENSES AND ONE (1) RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, pursuant to N.J.S.A. 33:1-1 et seq., Chapter 130 of the Code of the Township of Little Egg Harbor and the 2020 Federal Census results, the Township is authorized to issue a new Plenary Retail Consumption liquor license; and

**WHEREAS**, it is in the interests of the Township to permit the issuance of a Plenary Retail Consumption liquor license.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. The Township hereby determines that it will sell at public sale of one (1) Plenary Retail Consumption Licenses and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages, 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 official newspaper of the Township at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty (30) days prior \*to the date after which no further applications shall be accepted. Nothing herein shall preclude the Township Clerk from publishing additional newspaper or alternative notices, provided the publication requirements set forth above are satisfied.

3. The following conditions shall apply to the award and issuance of each license:

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a. The premises on which the licensee operates shall comply with all Township zoning regulations and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The minimum bid that shall be considered for each Plenary Retail Consumption Licenses shall be \$400,000.00. The minimum bid that shall be considered for Plenary Retail Distribution License shall be \$250,000.00.

b. Prospective bidders must be pre-qualified, and only the bids of qualified bidders will be opened.

c. To pre-qualify, a prospective bidder must submit the following to the Township Clerk at the Township Municipal Building at 665 Radio Road, Little Egg Harbor, New Jersey on or before March 1, 2023 at 10:00 a.m.

(i) A full and complete Division of Alcoholic Beverage Control Application form.

(ii) 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 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.

(iii) The remittance of a deposit in the amount of ten percent (10%) of minimum bid amount by certified check made payable to the "Township of Little Egg Harbor".

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(iv) A separate sealed envelope containing the bid amount, the outside of which shall state “2023 Plenary Retail Consumption Liquor License Bid” or “2023 Plenary Retail Distribution Liquor License Bid” and the name of the bidder.

4. On March 1, 2023 at 10:00 a.m., the Qualified Purchasing Agent shall publicly announce those prospective bidders who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in the published notices, and other applicable law. A list of such pre-qualified bidders shall be announced and posted on the Township website.

5. The Qualified Purchasing Agent shall open the bids of the pre-qualified bidders at on March 7, 2023 at 10:00 a.m. (which shall, at least, be five days after the public announcement of those applicants who meet the qualifications for bidding) at the Municipal Building at 665 Radio Road, in the courtroom. Immediately after opening the sealed bids of the prequalified bidders, the Township QPA shall publicly announce the amount of each bid and the name of each bidder.

6. The Township Committee, by written resolution, adopted at a public meeting on March 9, 2023, or shortly thereafter, shall award each license to the highest bidder, provided the Township does not reject all bids for the particular license.

7. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following:

- The Township reserves the right to reject all bids for the particular license being bid.

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- Payment of the balance of the bid for the license by certified check made payable to "Township of Little Egg Harbor" within five (5) days of the date of the resolution of the Township Committee awarding the license.
- 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 next highest qualified bidder or take no further action.
- Payment by the successful bidder of the New Jersey State License Application Fee for each license.
- Payment of the Annual Municipal Retail License Fee for the license pursuant to §130-9 of the Township Code.
- Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.
- Receipt of favorable State and/or Federal criminal background checks for the prospective licensee.
- Compliance with publication, hearing and resolution requirements under N.J.A.C. 13:2-2.1 et seq. related to the successful applicant/bidder.

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

9. The Township reserves the right to reject all bids where the highest qualified bid is not accepted for the bid for the particular license.

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

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11. If the license has not been issued pursuant to this resolution by (INSERT DATE AND TIME) (which shall be within 6 months after the closing time and date for acceptance of applications specified in the notice), no license shall thereafter be issued without further resolution by the Township Committee, determining to issue a new license.

12. The successful bidder shall comply with all other provisions of N.J.A.C.13:2-2.1 et seq., including, but not limited to, publication of notice of application

**CERTIFICATION**

I, **KELLY LETTERA, RMC**, Municipal Clerk of Little Egg Harbor Township, do hereby certify that the foregoing resolution was duly adopted by the Little Egg Harbor Township Committee at a meeting held on the **12th** day of **January, 2023**.



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**KELLY LETTERA, RMC**  
Township Clerk  
Little Egg Harbor Township

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