

RESOLUTION NO. 2023-110

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING ONE (1) PLENARY RETAIL DISTRIBUTION LICENSE TO LOTUS 9 LLC

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 Distribution liquor license; and

WHEREAS, the Township authorized the sale of one (1) Plenary Distribution License pursuant to Resolution 2023-068, which set forth in detail the requirements for such application; and

WHEREAS, on March 1, 2023, the Municipal Clerk received two (2) proposal/applications in connection with the sale of plenary retail distribution licenses by which the Qualified Purchasing Agent determined said Applicant was a qualified bidder; and

WHEREAS, on March 7, 2023 at 10:00 a.m., bids were opened in accordance with Resolution 2023-068; and

WHEREAS, Lotus 9 LLC submitted one (1) proposal/application, along with the appropriate application fees and good faith payment, for one (1) plenary retail distribution license to be ultimately sited at premises located at 110 Mathistown Road, Little Egg Harbor, New Jersey 08087; and

WHEREAS, the application form has been reviewed by the governing body; and

WHEREAS, governing body has determined that the submitted application form is complete in all respects and the license and filing fees have been paid; and

WHEREAS, the governing body has determined that the Applicant is qualified to be licensed according to all standards and conditions established by Title 33 of the New Jersey Statutes, the regulations promulgated thereunder, as well as Chapter 130 of the Township Code; and

WHEREAS, the Applicant has disclosed and the Little Egg Harbor Township Police Department will undertake an investigation concerning the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has agreed to be thoroughly investigated in accordance with the disclosure policy of the Division of Alcoholic Beverage Control and Chapter 130 of the Township Code; and

WHEREAS, the Applicant shall be responsible for notice of application pursuant to N.J.A.C. 13:2-2.5, which shall be published once a week for two weeks successively, at least seven days apart in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises is located; and

WHEREAS, pursuant to N.J.A.C. 13:2-2.7, if a timely written objection is received by the Township, duly signed by an objector, the Township shall set the matter down for a hearing and all parties shall be notified of the date, hour and place thereof and said hearing shall be stenographically or electronically recorded; and

WHEREAS, the governing body has determined that it is in the best interest of the community that such license be awarded to the highest bidder, Lotus 9 LLC, 110 Mathistown Road, Little Egg Harbor, NJ 08087, subject to the terms, conditions and restrictions set forth by the Township, including with regard to restrictions as to location.


WHEREAS, it is in the interests of the Township to permit the issuance of a Plenary Retail Distribution 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 one (1) Plenary Retail Distribution License shall be awarded to Lotus 9 LLC, 110 Mathistown Road, Little Egg Harbor, NJ 08087, in the amount of \$504,000.00, subject to the terms, conditions and restrictions of the Township Code, specifically but not limited to Chapter 130, Resolution 2023-68 and this Resolution.
2. The issuance of the Plenary Retail Distribution License is specifically conditioned upon the satisfactory investigation by the Little Egg Harbor Township Police Department, and the satisfaction of any and all Division of Alcoholic Beverage Control requirements that may be applicable, including but not limited to, the publication of notice pursuant to N.J.A.C. 13:2-2.5, and hearing on objections, if needed.
3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the Division of Alcoholic Beverage Control, Township Chief of Police, Township Administrator and the Applicant.

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 **9th** day of **March, 2023**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township