

# Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 277 ~

## RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY INDICATING INTENT TO ISSUE A NEW PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE IN ACCORDANCE WITH N.J.S.A. 33:1-19.3 THROUGH 19.6

**WHEREAS**, N.J.S.A. 33:1-19.3 through 19.6 authorizes a municipality to issue new liquor licenses under certain conditions; and

**WHEREAS**, currently there are no Plenary Retail Detail Distribution Liquor Licenses in the Township of West Milford; and

**WHEREAS**, on August 16, 2017 the Township Council adopted Ordinance 2017-008 which ordinance amends the Township Code to allow for retail distribution licenses in West Milford; and

**WHEREAS**, the Mayor and Township Council have ascertained that they have the authority to issue a plenary retail distribution liquor license under N.J.S.A. 33:1-12.14, the "Population Cap" Law; and

**WHEREAS**, the 2010 US Census Bureau conducted a count of the population in the United States and have determined that the population in West Milford is 25,850 persons; and

**WHEREAS**, N.J.S.A. 33:1-12.14 authorizes New Jersey municipalities to issue new plenary retail distribution licenses as long as the number of such licenses is fewer than one (1) for each 7,500 of its population based on the most recent Federal census; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford hereby advises of its intent to issue a new license and accept applications, bid deposits, and sealed bids; and

**WHEREAS**, all bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder N.J.S.A. 33:1-1 et seq. and N.J.A.C. 13:2-1.1 et seq., the West Milford Township Code and all applicable local ordinances; and

**WHEREAS**, the Mayor and Township Council will award the license to the highest qualified bidder; and

**WHEREAS**, all bids must be submitted in a sealed envelope clearly marked "Distribution License Bid" and addressed to the Township Clerk, 1480 Union Valley Road, West Milford, NJ 07480; and

**WHEREAS**, all bidders must submit a non-refundable application fee in the amount of \$50 by check made payable to the "Township of West Milford" with the bid; and

**WHEREAS**, the minimum bid is hereby established as not less than \$250,000; and

**WHEREAS**, within five (5) days of the adoption of a resolution by the West Milford Governing Body accepting the highest qualified bid, the successful bidder must present a check to the municipal clerk, made payable to the "Township of West Milford" in an amount equal to fifty percent (50%) of the bid amount as a good faith deposit. The ultimate issuance of the license is subject to the payment of the balance of the bid price, payment of the annual State and municipal licensing fees and the outcome of an investigation of the source of funds and criminal background checks to be conducted by the West Milford Police Department, as well as compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2-2.1 et seq.; and

**WHEREAS**, the West Milford Governing Body reserves the right to reject all bids if the highest bid is not accepted.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township Clerk be and is hereby directed to take any and all steps necessary to effectuate the issuance of a new Retail Distribution Liquor License in accordance with N.J.S.A. 33:1-19.3 through 19.6; and

**BE IT FURTHER RESOLVED**, the West Milford Governing Body reserves the right to reject all bids if the highest bid is not accepted.

Adopted: September 6, 2017

Adopted this 6<sup>th</sup> day of September, 2017  
and certified as a true copy of an original.

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Antoinette Battaglia, Township Clerk