

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 282 ~

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

WHEREAS, currently there are no active plenary retail distribution licenses within the Township of West Milford; and

WHEREAS, the Governing Body had previously adopted ordinances which amend the Township Code to allow for up to three (3) plenary retail distribution licenses within the Township; and

WHEREAS, the Mayor and Township Council have ascertained that they have the authority to issue up to three (3) plenary retail distribution liquor licenses 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 up to three (3) new plenary retail distribution licenses 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 licenses to the highest qualified bidders; and

WHEREAS, all bids must be submitted in a sealed envelope clearly marked “Distribution License Bid” for each license and addressed to the Acting 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 for each license they are bidding on by check made payable to the “Township of West Milford” with the bid; and

WHEREAS, the minimum bid for each license is hereby established as not less than \$200,000; and

WHEREAS, within five (5) days of the adoption of a resolution by the West Milford Governing Body accepting the highest qualified bid for each license, the successful bidder for each license 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 each 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 for each license 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 Acting Township Clerk be and is hereby directed to take any and all steps necessary to effectuate the immediate issuance of up to three (3) new Retail Distribution Liquor Licenses 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 for each license if the highest bid is not accepted.

BE IT FURTHER RESOLVED, that the Acting Township Clerk is hereby authorized to advertise in accordance with the law for bids for up to three (3) separate new plenary retail distribution licenses, with a minimum bid of \$200,000 for each license.

Adopted: September 18, 2019

Adopted this 18th day of September, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk