

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 136-2014

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOORESTOWN TO PERMIT THE ISSUANCE OF ONE (1) NEW PLENARY RETAIL CONSUMPTION LICENSE BY THE HISTORICAL METHOD WITHIN THE TOWNSHIP OF MOORESTOWN AND SETTING FORTH THE CRITERIA FOR APPLICATIONS FOR SUCH LICENSE

WHEREAS, Section 46-5 of the Code of the Township of Moorestown permits the issuance of up to six (6) Plenary Retail Consumption Licenses in the Township of Moorestown; and

WHEREAS, five (5) Plenary Retail Consumption Licenses are presently issued in the Township of Moorestown; and

WHEREAS, the Township Council has determined to permit the issuance of the one (1) and final Plenary Retail Consumption License under certain conditions provided that there is a qualified applicant for such license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, in the County of Burlington, as follows:

1. The Township Council of the Township of Moorestown, pursuant to the authority conferred by N.J.S.A. 33:1-1, et seq., has determined to issue the one (1) and final Plenary Retail Consumption License and to accept proposals and applications for the new license. Minimum bid price shall be set at \$1,000,000.

2. Proposals may be submitted after final publication or July 3, 2014. Sealed bids will be publicly received, opened, and announced by the Township of Moorestown, in the County of Burlington, State of New Jersey on Wednesday, August 6, 2014 at 3PM in the Council Chamber, Town Hall, 111 West Second Street, Moorestown, NJ 08057. Applicants shall deliver a fully completed application and proposal in the form attached hereto as Exhibit "A" in triplicate, together with checks for: \$200.00 payable to the Division of Alcoholic Beverage Control; \$2,500 payable to the Township of Moorestown; and a good faith deposit check in the amount of \$400,000 made payable to the Township of Moorestown as required in accordance with the Proposal, to the Township Clerk, and shall thereafter also deliver any and all information as may be requested by the Township Council and/or the Moorestown Township Police Department. Applicants shall also deliver any proof of qualification to hold an alcoholic beverage license(s) as may be requested.

3. Applicants shall also 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.

4. A new license shall issue under the historical method and only to a bidder for the operation of a full-service restaurant (as defined in Township Code §180-61) located in the Township's SRC Zoning District south of State Highway Route 38 to the Mount Laurel and Maple Shade Township borders.

5. Any plenary retail consumption liquor license, upon issuance, shall only be valid for use in a full-service restaurant and shall not be transferred to any other use, either within the Township SRC Zoning District south of State Highway Route 38 to the Mount Laurel and Maple Shade Township borders or in any other zoning districts of the Township.

6. Any liquor license issued pursuant to the provision of this article shall contain a condition that it may not be utilized for the sale of package goods anywhere in the Township of Moorestown.

7. Nothing in this resolution shall require the new license to be issued if there is no qualified applicant meeting the preferred criteria expressed herein. If there is more than one qualified applicant meeting the criteria, the license(s) will be issued to the applicant which will best serve the public interest and in the sound discretion of the Township Council based solely upon the proposal(s) submitted.

8. If no new license shall have been awarded pursuant to this resolution within six (6) months of the date proposals were received, no new license shall thereafter be issued without further resolution of the Township Council determining to issue a new license.

9. All fees tendered by unsuccessful applicants shall be returned to them upon issuance of the new license.

10. The Township Clerk shall cause notice of the determination herein to issue a new license(s) to be published forthwith in the Burlington County Times, a newspaper circulating generally in the Township of Moorestown, twice, one week apart, in the following form:

-NOTICE-

Take notice that the Township Council of the Township of Moorestown has determined by Resolution No. 134-2014 to issue one (1) new Plenary Retail Consumption Liquor License. This license will only be issued to an applicant who will operate a full service restaurant (as defined in Township code §180-61) which by Township Code must be located in the Township's SRC Zoning District south of State Highway Route 38 to the Mount Laurel and Maple Shade Township borders. Any plenary retail consumption liquor license, upon issuance, shall only be valid for use in a full-service restaurant and shall not be transferred to any other use, either within the Township SRC Zoning District south of State Highway Route 38 to the Mount Laurel and Maple Shade Township borders or in any other zoning districts of the Township. Any liquor license issued pursuant to the provision of this article shall contain a condition that it may not be utilized for the sale of package goods anywhere in the Township of Moorestown.

Minimum bid price shall be set at \$1,000,000. Applicants for such license shall submit a fully-completed proposal and application, in triplicate, plus one copy, which may be obtained from Patricia L. Hunt, Township Clerk, together with checks in the amount of \$200.00 made payable to the Division of Alcoholic Beverage Control; \$2,500 made payable to the Township of Moorestown; and a good faith deposit check in the amount \$400,000 made payable to Township of Moorestown as required in accordance with the Proposal, and shall thereafter also deliver any and all information as may be requested by the Township Council and/or the Township Police Department. Applicants shall also comply with all other requirements of N.J.A.C. 13:2-2.1, et seq., including publication of notice of application. Proposal forms, Applications and fees shall be submitted to Patricia L. Hunt, Township Clerk, Moorestown Township, 111 West Second Street, Moorestown, New Jersey 08057-2480, on or before 3:00 P.M. on Wednesday, August 6, 2014. Any new license will be awarded not later than six (6) months from the date of proposals were received. The full text of the determining Resolution may be viewed in the office of the Township Clerk.

VOTE:

CHIACCHIO
JORDAN
GARWOOD
NEWCOMER
NAPOLITANO

Certified to be a true and correct copy of a Resolution adopted by the Moorestown Township Council at a meeting held on June 23, 2014.

Patricia L. Hunt, RMC
Township Clerk

**PROPOSAL FOR PURCHASE OF
PLENARY RETAIL CONSUMPTION LIQUOR LICENSE**

TOWNSHIP OF MOORESTOWN
111 WEST SECOND STREET
MOORESTOWN, NJ 08057-2480
PHONE: (856) 235-0912
FAX: (856) 914-3076
Website: www.moorestown.nj.us

COMPLETE ALL QUESTIONS

1. Proposed Licensee name (last, first), corporate name or limited liability company (LLC) name (As it will read on your liquor license)

NAME: _____

ADDRESS: _____

CITY: _____ **ZIP:** _____

2. Has the Licensee or any who will hold any ownership interest in the proposed license to be sold ever been convicted of a felony?

YES NO

If yes, please set forth details: _____

3. Does the Proposed Licensee presently hold any interest in any other N.J. liquor license?

YES NO

If, yes, please provide name of licensee, license number, location of license and percentage of ownership interest in license: _____

4. Location where the proposed license will be held; name and address

BUILDING/LOCATION NAME: _____

ADDRESS: _____ **CITY:** _____

ZIP: _____ **LOT/BLOCK NO:** _____

ZONING DISTRICT DESIGNATION: _____

- a. Is this location within the Township of Moorestown limits? YES NO
- b. Is this location within the 200 of church, school, hospital or home for aged/indigent? YES NO

5. Will the Proposed Licensee actually be utilizing the proposed license to be issued? If so, please describe in detail the details and manner in which the license will be utilized by the Proposed Licensee. If not, please describe in detail who will be utilizing the license and under what circumstance some other party or entity pursuant to a lease or other form of agreement will be utilizing the license.
 YES NO

6. If immediately available, provide a description of area to be licensed
 Inside building, dimensions of area to be covered **IN FEET** _____ X _____
 Outdoor area dimensions of area to be covered **IN FEET** _____ X _____
 Parking area dimensions that will support license use: _____ parking spots

INCLUDE SKETCH IF OUTDOOR AREA

If outdoor area, how will premises be enclosed? _____

7. If awarded a license, will the license be utilized in a full service restaurant within the Township SRC Zoning District south of State Highway Route 38 to the Mount Laurel and Maple Shade Township borders.
 YES NO

8. If yes to Question No. 7, please describe in detail the proposed restaurant and hours of operation, to the extent the Proposed Licensee will actually be utilizing the license to be issued. If not, provide the date when this information will be made available: _____

9. Provide the name and telephone number/cell phone number of immediate supervisor for the proposed restaurant identified in Question No. 8, to the extent the Proposed Licensee will actually be utilizing the license to be issued. If not, provide the date when this information will be made available: _____

10. Type of alcohol to be served and/or consumed: Beer Wine Distilled Spirits

11. If the Proposed Licensee is selected by the Moorestown Township Council to purchase a Plenary Retail Consumption Liquor License, what amount of financial consideration is the Licensee prepared to pay the Township of Moorestown upon the issuance of said license? It should be understood that the payment of such consideration is an express condition to the Township's issuance of said license and further understood that the Township will not entertain any proposal to purchase any single license for less than \$1,000,000.

\$ _____

12. In conjunction with the amount of financial consideration being proposed as a license purchase price by the proposed Licensee in Question 11 above, the Township is requesting that a \$400,000 good faith deposit be paid upon the submittal of this proposal for each license proposed to be purchased. In the event the proposed Licensee is successful in purchasing a license, the \$400,000 good faith deposit will be credit against the ultimate purchase price. In the event the proposed Licensee is unsuccessful in purchasing a license, the Township will return the \$400,000 good faith deposit within thirty (30) days of the Township's denial of said application.

13. I declare that I am the authorized representative of the above named applicant and that the statements made on this proposal are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Township of Moorestown and the N.J. Alcoholic Beverage Commission or any other individual releasing said information.

**Sign
Here**

Authorized Representative/Applicant

Title

Date

Print Name