

PUBLIC NOTICE

NOTICE TO ACCEPT BIDS FOR A NEW HOTEL/MOTEL EXCEPTION PLENARY RETAIL CONSUMPTION LICENSE FOR THE TOWNSHIP OF BERKELEY HEIGHTS (UNION COUNTY)

Pursuant to N.J.S.A. 33:1-12.20, on October 4, 2016 via Resolution Number 235-2016, the Township Council of the Township of Berkeley Heights authorized the issuance of a new Hotel/Motel Plenary Retail Consumption License (036) to the owner and operator of a hotel/motel within the Township of Berkeley Heights. The license will be sold at a public sale to the highest qualified bidder. The applicant must abide by Chapter 83 of the Laws of 2009 in that the minimum bid is not to exceed \$325,000.00.

Bids shall be accepted only from those bidders who qualify to have an interest in a retail alcoholic beverage license under the standards set forth in the Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any municipal ABC ordinance. Interested bidders may obtain copies of the forms necessary to qualify as a bidder from the Township of Berkeley Heights Clerk. All prospective bidders must complete the forms and all paperwork associated and be determined to be a qualified bidder to have their bids considered. All bids shall be sealed and proof of qualification must be included separately with the bid.

The application, bid, and associated materials shall be accepted until 10:00 a.m. on **November 2, 2016**, at the Township Municipal Building, 29 Park Avenue, Berkeley Heights, Union County, New Jersey. Bids of applicants who do not preliminarily qualify will be returned unopened On **December 7, 2016**, at 10:00 a.m., the Township Clerk shall publicly announce those applicants who preliminarily meet the qualifications for bidding as fixed by law, Rules and Regulations and Resolution.

On **December 13, 2016**, at 10:00 a.m. the sealed bids of the preliminarily qualified bidders shall be opened.

All bids must contain a deposit in the form of a certified check for 20% of the bid price. By resolution of the Township Council, the highest, preliminarily qualified bidder will be accepted, and within 72 hours of the adoption of said resolution, the balance of the bid amount shall be paid to the Township by cash or certified check (which monies shall be kept in an interest-bearing account with interest payable to the Township), until such time as the person to person licensing process is complete. (Completion of said process includes payment of the State application fee, the Municipal application fee, the annual municipal retail license fee, satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license, the receipt of favorable State and/or Federal criminal background checks; as well as compliance with the publication, hearing and resolutions requirement under N.J.A.C. 13:2-2.1 et seq.)

A new license must be issued within sixth months after the closing date established for acceptance of applications and must be in use within two years of the award of the license. If the applicant defaults or otherwise breaches its promise to purchase, then all monies held by the Township shall be paid to and become the property of the Township.

The successful applicant must comply with all ordinances of the Township of Berkeley Heights in locating the license.

Ana Minkoff
Municipal Clerk
Town Hall
29 Park Avenue
Berkeley Heights, New Jersey 07922

Run Dates: 10-18-16 & 10-25-16

APPLICATION AND NOTICE OF BID
FOR
HOTEL/MOTEL EXCEPTION PLENARY RETAIL
CONSUMPTION LICENSE

TOWNSHIP OF BERKELEY HEIGHTS

UNION COUNTY

NEW JERSEY

Information: Ana Minkoff
Municipal Clerk
Town Hall
29 Park Avenue
Berkeley Heights, New Jersey 07922

Telephone: 908-464-2446

MEMORANDUM

TO: Applicants for a Hotel/Motel Exception Plenary Retail Consumption License

FROM: Ana Minkoff, Municipal Clerk

DATE: October 18, 2016

SUBJECT: Bidding Procedures

1. Each prospective applicant must complete and return all forms. Upon submission, a review and determination shall be made as to the applicant's qualification for bid consideration. Completed applications must be received by the Municipal Clerk by November 2, 2016 at 10:00 a.m.
2. On December 7, 2016 at 10:00 a.m. the Municipal Clerk will announce applicants who preliminarily qualify.
3. All applicants must be qualified to hold an ABC License under New Jersey law. To be considered a qualified applicant, the following items must be submitted:
 - Completed *12-Page ABC Application* and associated municipal releases as provided;
 - *Affidavit of Qualification for Ownership, Interest, or Association with a New Jersey Alcoholic Beverage License* completed by the applicant(s) that he or she meets all requirements and knows of no reason for his/her disqualification from having an interest in a retail liquor license in New Jersey as provided;
 - The sealed Bid Proposal Form accompanied by a certified check in the amount of 20% of the bid as a deposit. The check shall be endorsed to the Township of Berkeley Heights.
4. Bids must be made on the *Bid Proposal Form* provided herein along with the name and address of the bidder on the outside of the sealed envelope. Only bids of qualified applicants will be opened.

5. Sealed bids will be opened by the Municipal Clerk on **December 13, 2016 at 10:00 am** in the Council Chambers of the Township of Berkeley Heights Municipal Building, 29 Park Avenue, Berkeley Heights, NJ. The Clerk will open **ONLY** the bid(s) of the preliminarily qualified applicants. The **minimum bid is \$325,000.00**. The bid must include the completed *Proposal Form* and a certified or cashier's check in the amount of 20% of the bid as a deposit.
6. By resolution of the Township Council, the highest, preliminarily qualified bid will be accepted and within 72 hours of the adoption of said resolution, the balance of the bid amount must be paid to the Municipal Clerk by cash or certified check (which monies shall be kept in an interest bearing account, with interest payable to the Township), until such time as the person-to-person and place-to-place licensing process is complete. (Completion of said process includes payment of the State application fee (\$200), the Municipal Application fee (\$2,500.00); satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license, the receipt of favorable State and/or Federal criminal background checks; as well as compliance with the publication, hearing, and resolution requirement under N.J.A.C. 13:2-2.1 et seq.)
7. A new license must be issued within six months after the closing date established for acceptance of applications (as set forth in the Notice). If the applicant defaults or otherwise breaches its promise to purchase, then all monies held by the Township shall be paid to and become the property of the Township.
8. The successful applicant must comply with all ordinances of the Township of Berkeley Heights in locating the license.
9. The sale may be postponed or canceled at any time prior to the opening of the bids.
10. The Township reserves the right to reject all bids where the highest bid is not accepted.

A COMPLETE APPLICATION SHALL CONSIST OF:

- 1. 12-Page ABC License Application Accompanied by Detailed Sketch of the Proposed Licensed Premise Showing Dimensions and any Adjacent Grounds on a 24 x 36 map sheet and Associated Municipal Releases (Attachments A, B, C & D)**
- 2. State Application Fee of \$200.00 (Certified Check or Money Order)**
- 3. Municipal Application Fee of \$2,500.00 (Certified Check or Money Order)**
- 4. Affidavit of Qualification for Ownership, Interest, or Association with a New Jersey Alcoholic Beverage License**
- 5. Sealed Bid with Certified or Cashier's Check and Bid Proposal Form**

(Separate Envelope for No. 5)

**OFFICE OF THE MUNICIPAL CLERK
AUTHORIZATION FOR RELEASE OF INFORMATION**

I, _____ hereby make application to the Township
(Name of Licensee)
Council of the Township of Hamilton for a Hotel/Motel Exception Plenary Retail Consumption License for premises to be located at _____, Berkeley Heights, NJ.

I am the (circle) [a] owner, [b] officer, or [c] member of the licensee and hereby authorize the release of any information and records maintained by any law enforcement agency pursuant to New Jersey Statutes Annotated Title 33, Intoxicating Liquors and regulations promulgated thereunder.

Any such information released as a result of this authorization shall be used for the express purpose of processing the above indicated application.

NOTE: A PHOTOSTATIC COPY OF THIS AUTHORIZATION SHALL BE CONSIDERED AS EFFECTIVE AND VALID AS THE ORIGINAL.

Witness:

Signature of Applicant

Print Name and Address of Applicant

DATE: _____

(Completed form required for each owner, officer and member)

OATH

STATE OF NEW JERSEY
COUNTY OF MERCER

I, _____ being of full age, hereby duly swear upon my oath, and make the following statements:

- 1. I am the authorized representative and/or applicant for a new Hotel/Motel Exception Plenary Retail Consumption License in the Township of Berkeley Heights.
- 2. Sources of any and all funding are as follows:
 - a. List all officers, partners, owners, lenders or any other source of investment in the licensed business, their addresses, and the licensed business, their addresses and the amount provided by each.
 - b. List all expenditures of monies, as listed above, the names and addresses of the persons receiving such money and the purpose of the expenditures.

Sworn and subscribed before me
this ____ day of _____, 2016

Notary Public of New Jersey
My Commission Expires:

BID PROPOSAL SHEET

We the undersigned propose to purchase in accordance with the bid proposal a Hotel/Motel Exception Plenary Retail Consumption License for the following amount:

\$ _____ (Total Bid Amount)

Enclosed is a deposit in the form of a certified check or cashier's check in the amount of 20% of the bid amount.

\$ _____ (Deposit (20%))

Signature: _____

Name: _____

Title: _____

Name of Company: _____

Address: _____

Phone: _____

Subscribed to me this _____ day

of _____, 2016

Notary Public

OUTSIDE ENVELOPE CONTENTS

- 1. 12-Page ABC License Application Accompanied by Detailed Sketch of the Proposed Licensed Premise Showing Dimensions and any Adjacent Grounds on a 24 x 36 map sheet and Associated Municipal Releases (Attachments A, B, C & D)**
- 2. State Application Fee of \$200.00 (Certified Check or Money Order)**
- 3. Municipal Application Fee of \$2,500.00 (Certified Check or Money Order)**
- 4. Affidavit of Qualification for Ownership, Interest, or Association with a New Jersey Alcoholic Beverage License**
- 5. Indicate Bidder's Name and Address on outside of sealed envelope**

INSIDE ENVELOPE CONTENTS

- 1. Bid Proposal Form**
- 2. Certified or Cashier's Check**

Agenda Item No.: 2

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

**RESOLUTION OF THE COUNCIL OF THE TOWNSHIP
OF BERKELEY HEIGHTS AUTHORIZING NOTICE OF
INTENT FOR THE CREATION OF ONE (1) NEW
PLENARY RETAIL CONSUMPTION (HOTEL/MOTEL
EXCEPTION) LIQUOR LICENSE, ALONG WITH THE
ADVERTISEMENT AND SALE BY PUBLIC SEALED BID
OF SAME.**

WHEREAS, the Township of Berkeley Heights desires to create a new Plenary Retail Consumption (Hotel/Motel Exception) Liquor License to be used exclusively in connection with a hotel/motel within the boundaries of the Township; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.20(a), the Township is authorized to issue a new license to a person who operates a hotel or motel containing at least one hundred (100) guest sleeping rooms or who may hereafter construction and establish a new hotel or motel containing at least 100 guest sleeping rooms; and

WHEREAS, the Township may include a minimum bid for the purchase of the license; and

WHEREAS, the Township may make the issuance of the license contingent upon the completion of the construction of the hotel or motel premises; and

WHEREAS, the Township may issue new liquor licenses through an open bidding procedures, which will ensure that the process is faire, equitable and defensible, pursuant to N.J.S.A. 33:1-19.1, et seq., and the regulations established by the New Jersey Division of Alcoholic Beverage Control ("ABC"); and

WHEREAS, the Township wishes to create a new Plenary Retail Consumption (Hotel/Motel Exception) Liquor License and issue same to be granted to the highest qualified bidder through an open bidding process pursuant to N.J.S.A. 33:1-19.1, et seq., having the terms and conditions of any such sale, including the minimum bids and contingencies of the issuance of same, set forth in this Resolution; and

WHEREAS, because there are currently no hotels or motels built in the Township, the following condition is to be included in the sale of the Liquor License:

"The Liquor License will not become effective until a Certificate of Occupancy is issued to operate a hotel of greater than one

hundred (100) rooms having been constructed within the Township of Berkeley Heights.”

WHEREAS, the Township Council finds it in the best interest of the Township and the public to authorize the creation, issuance and sale by public bid of a new Plenary Retail Consumption (Hotel/Motel Exception) Liquor License to be used exclusively in connection with a hotel/motel containing at least one hundred (100) guest sleeping rooms within the boundaries of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that:

1. The Township of Berkeley Heights hereby determines that it will sell at public sale (by way of sealed bid) one (1) Plenary Retail Consumption (Hotel/Motel Exception) Liquor License to be used exclusively in connection with a hotel/motel containing at least one hundred (100) guest sleeping rooms within the boundaries of the Township, in accordance with the procedure set forth in NJSA 33:1-19.1, *et seq.*
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
 - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption (Hotel/Motel Exception) Liquor License by public sale to the highest qualified bidder and invites bids therefore.
 - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty five (25) days after the second publication.
 - c. All prospective bidders for the license shall apply by submitting to the Clerk of the Township of Berkeley Heights in full and complete ABC Application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a retail liquor license in New Jersey.
 - d. The Notice will advise that all bids will be sealed and that the minimum bid for this new Plenary Retail Consumption (Hotel/Motel Exception) Liquor License shall be \$325,000.00, along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
 - e. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.

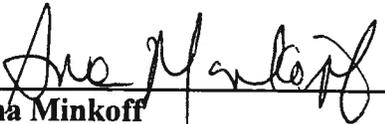
- f. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Township shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
 - g. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete ABC Application form and Certification of Proof of Compliance).
 - h. At the designated time, place and date, the sealed bids will be opened and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State \$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under N.J.A.C. 13:2-2.1 *et. seq.*
 - i. The Notice shall specify that only those individuals or entities who have final site plan approvals for the construction of a hotel having more than one hundred (100) rooms at the time of the opening of the bids may be considered a qualified bidder for the Liquor License. The Notice shall further state that "The Liquor License will not become effective until a Certificate of Occupancy is issued to operate a hotel of greater than one hundred (100) rooms having been constructed within the Township of Berkeley Heights."
3. The minimum bid price for the Plenary Retail Consumption (Hotel/Motel Exception) Liquor License shall be \$325,000.00.
 4. Ten (10%) percent of the bid purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check.
 5. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances with regard to the qualifications for holding and operating a liquor license in the State of New Jersey.
 6. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to provide certified copy of this Resolution to the Director of the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 4th day of October, 2016.

ATTEST:



Ana Minkoff
Township Clerk

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
D'AQUILA	✓			
DELIA	✓			
FAECHER	✓			
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
TIE:				
MAYOR WOODRUFF				