**NOTICE TOWNSHIP OF MEDFORD**

**April 15, 2025**

**RESOLUTION 69 -2025**

**NOTICE OF PUBLIC SALE OF PLENARY RETAIL CONSUMPTION LICENSE**

**WHEREAS**, the Township of Medford has the authority to issue a liquor license for public sale pursuant to the provisions of the Medford Township Code; and

**WHEREAS**, Township Council has determined to conduct a public sale of one (l) Plenary Retail Consumption License to the highest qualified bidder; and

**WHEREAS**, N.J.S.A. 33:1-19 et seq. permits the governing body to prescribe qualifications for prospective bidders, to fix a minimum bid and to set conditions of the sale;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Medford, in the County of Burlington, State of New Jersey as follows:

1. One (l) Plenary Retail Consumption License will be awarded to the highest qualified bidder pursuant to a public sale of said license pursuant to the provisions of N.J.S.A. 33:1-19 et seq.

2. In addition to any other qualifications set forth herein, all bidders must be qualified to hold an interest in a retail alcoholic beverage license pursuant to the standards set forth in the Alcoholic Beverage Control Act, the rules and regulations promulgated thereunder; and any applicable municipal ordinances.

3. The Township Clerk shall publish a notice of the public sale and an invitation to bid in the newspaper at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty (30) days prior to the date after which no further applications shall be accepted.

4. The conditions of the sale shall be as follows:

a. The Plenary Retail Consumption License shall be used at a premise which has or will be used as a restaurant, catering or banquet facility and where the principal business in conjunction with the use of the liquor license is the service of food.

b. The minimum acceptable bid for the Plenary Retail Consumption License shall be Four Hundred Thousand Dollars ($400,000).

c. In the event that the highest bidder bids an amount equal or exceeding the minimum bid set forth in this Resolution and is awarded the Plenary Retail Consumption License and then subsequently fails to complete the transaction by paying the balance of the bid amount, the bid deposit of One Hundred Thousand Dollars ($100,000) shall be forfeited to the Township of Medford as liquidated damages.

d. The Township Council reserves the right to reject all bids if the highest bid is not accepted.

4. No later than **Friday, May 16, 2025 at 10:00a.m.,** as required by N.J.S.A. 33:1-19.4, in order to qualify for the right to submit a bid on the above license, a prospective bidder must submit a Qualifications Statement to the Municipal Clerk at the Medford Township Municipal Building, 49 Union Street, Medford, New Jersey. The Qualifications Statement shall include the following in a sealed envelope entitled “Qualifications Statement for Plenary Retail Consumption License” by (name of bidder).”

a. Proof of financial ability to undertake the purchase of the license, including a recital of the method by which the balance of the bid shall be obtained and provided to the Township of Medford within 10 business days after the Resolution awarding the license is adopted by the Medford Township Council.

b. A copy of the complete application submitted to the Division of Alcoholic Beverage Control.

c. Information regarding type, size, location and special features of the contemplated project and proposed licensed premises, including proof of a lease or ownership interest in the proposed licensed premises.

d. Records of any past ABC violation involving the prospective bidder or bidders’ principals (i.e. owners of more than 10% equity or debt interest).

e. A separate certification of proof of compliance by the prospective bidder that it meets any and all conditions or requirements contained in this Resolution and the notice that will be advertised in the newspaper. Such certification shall state specifically that the specific bidder knows of no reason why it, he or she would be disqualified from having an interest in a Plenary Retail Consumption License.

f. The bid deposit fee of $100,000 shall be paid and included in a separate envelope. The bid deposit fee shall be paid by certified check payable to “Township of Medford.”

5. On or before **Friday, May 23, 2025,** and no later than five (5) days prior to the opening of bids as set forth below, after review of the Qualifications Statements, the Township Clerk shall publicly announce, by posting on the Township website, those prospective bidders who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act, the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in the published notices, and other applicable law. The Township Clerk shall notify any prospective bidder who has been deemed not qualified to bid. As required by N.J.S.A. 33:1-19.4, no bid shall be opened or considered from any prospective bidder who is not qualified.

6. On or before **Friday, May 30, 2025 at 10:00a.m.** any qualified bidder may submit its bid for the Plenary Retail Consumption License to the Medford Municipal Clerk, 49 Union Street, Medford, New Jersey 08055. The bid shall use the Township Bid Proposal Form and be submitted in a sealed envelope containing on its face the words, and only the words, “Bid for Plenary Retail Consumption License” by (name of bidder).”The Township will bear no responsibility for mailed bids not received by the date due.

**7.** All bids from qualified bidders will be opened on **Friday, May 30, 2025 at 10:00 a.m**. in the Manager’s Conference Room on the second floor at Medford Town Hall, 49 Union Street, Medford, New Jersey as set forth in the notice to be advertised in the newspaper consistent with the requirements of N.J.S.A.33:1-19 et seq. and this Resolution. The successful bidder together with those who qualified shall be posted on the Township website.

8. The Township Council, by written resolution, adopted at a public meeting on June 3, 2025, or as soon thereafter as Council may convene, shall award the license to the highest bidder, provided the Township does not reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the Plenary Retail Consumption License shall be subject to each of the following:

a. Payment of the balance of the bid for the license by certified check made payable to "Township of Medford" within five days of the date of the resolution of the Township Council awarding the license. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the next highest qualified bidder or take no further action.

b. Proof of payment by the successful bidder of the New Jersey State License Application Fee for the license

c. Satisfactory outcome of any further municipal background checks to investigate the source of funds used to purchase the license.

d. Receipt of satisfactory State and/or Federal criminal background checks for the prospective licensee.

e. Compliance with publication, hearing and resolution requirements under N.J.A.C. 13:2-2.1 related to the successful applicant / bidder.

f. The deposit of all unsuccessful bidder(s) shall be returned within ten days of the date of the award of the license(s).

g. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.

h. In accordance with N.J.S.A. 33:1-19.5, the sale may be postponed or cancelled at any time prior to the opening of the bids.

i. As required by N.J.S.A. 33:1-19.2, if the license has not been issued pursuant to this resolution within 6 months after the closing time and date for acceptance of applications specified in the notice, no license shall thereafter be issued without further resolution by the Township Council, determining to issue a new license.

j. The successful bidder shall 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.

I hereby certify that the foregoing Resolution was adopted by the governing body of Medford Township on April 15, 2025.

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Tara Wicker, RMC, Township Clerk