

**PUBLIC NOTICE  
BOROUGH OF RUTHERFORD**

**NOTICE TO ACCEPT BIDS FOR TWO PLENARY RETAIL CONSUMPTION LIQUOR LICENSES**

**PLEASE TAKE NOTICE** that the Borough Council of the Borough of Rutherford, as authorized by Resolution No. 204-2022 is conducting a sale by public bid of two new Plenary Retail Consumption Licenses. The Plenary Retail Consumption Liquor License shall only be utilized in conformance with § 7-13A(3) of the provisions of Rutherford Ordinance and in conformance with all of the Ordinances of the Borough of Rutherford.

The minimum acceptable bid for a license is \$150,000.00. The Borough reserves the right to reject any and all bids.

Bids shall be accepted only from those bidders who are pre-qualified pursuant to the prequalification requirements set forth in Resolution 204-2022.

Two separate submittals must be delivered to the Borough Clerk, Rutherford Borough Hall, 176 Park Avenue, Rutherford, NJ 07070, N.J. no later than December 14, 2022 on or before 11:00 a.m. as follows:

1. One sealed envelope containing (i) A completed State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control Retail Liquor License Application Form; (ii) a separate Certification of proof of compliance by the applicant that it meets all conditions or requirements contained in Resolution 204-2022, including that he/she knows of no reason why he or she would be disqualified from having an interest in a Retail License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder; and (iii) proof of a lease or an ownership interest in a location of the Borough described in Section 3(f)(1)b. of Resolution 204-2022.

2. One sealed envelope containing the Bid Proposal Form, indicating the proposed bid amount and the remittance of a deposit in the amount of \$15,000.00 (10% of the required minimum acceptable bid) by certified check made payable to the "Borough of Rutherford". The outside of the envelope shall state "2022 Plenary Retail Consumption Liquor License Bid" and the name of the bidder.

No Bid documents will be accepted after 11:00 p.m. on December 14, 2022.

The Borough Clerk shall publicly announce those prospective bidders, who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder, Rutherford Borough Ordinances, all conditions set forth in Resolution 204-2022 and all other applicable laws on December 19, 2022, at 11:00 a.m. in the Municipal Building, Second Floor, 176 Park Avenue, Rutherford, NJ 07070. The names of pre-qualified bidders will be posted on the bulletin board in the Municipal Building.

On December 20, 2022, at 11:00 a.m. in the Rutherford Municipal Building, 2<sup>nd</sup> Floor, 176 Park Avenue, Rutherford, N.J., the Borough Clerk shall open the bids of the pre-qualified bidders and publicly announce the name of each bidder and the amount of each bid. No bid shall be opened from/or on behalf of any prospective bidder who fails to pre-qualify. The Borough reserves the

right to postpone or cancel the sale at any time prior to the bid opening. The Borough reserves the right to reject all bids in the event the highest bid is not accepted.

The Borough Council, by written Resolution, to be considered at the Public Meeting on December 27, 2022, beginning at 6:30 p.m., or shortly thereafter (provided the Borough Council does not reject all bids) may accept the bid of the highest qualified bidder. The ultimate issuance of the license shall be subject to the following: 1) payment of the balance of the bid amount by certified check for the license made payable to the "Borough of Rutherford" within five (5) business days after the date of adoption of the Resolution of the Borough Council accepting the bid; 2) payment of the annual Municipal Retail Liquor License fee; 3) within thirty (30) days of the Resolution of the Township Committee accepting the highest bid, the prevailing bidder shall submit a full and complete twelve (12) page State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control Retail Liquor License Application Form seeking the issuance of the license and the simultaneous siting of the license at the location identified as part of the bid pre-qualification process, and payment of the New Jersey State license fee; 4) Receipt of favorable state and/or federal criminal background checks for the prospective licensee and all individuals named in the application; 5) satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license; 6 ) satisfactory outcome of State and/or Federal criminal background checks; 7) compliance with publication, hearing and resolution requirements set forth in N.J.A.C. 13:2-2.1 et seq; and 8) approval by the Borough Council of the issuance of the license as a person to person transfer and the simultaneous approval of the siting of the license as a place to place transfer.

Failure to make the timely payment of the balance of the bid amount within five business days after the date of the adoption of the aforesaid Resolution accepting the bid, shall, at the option of the Borough Council, result in voiding the acceptance of the bid and forfeiture of the successful bidder's deposit whereupon the Borough may accept the bid of the next highest qualified bidder or take no further action.

The deposit of all unqualified bidders shall be returned within five (5) business days of the date of announcing the qualified bidders. The unsuccessful qualified bidders' deposits will be returned within ten (10) business days of the Borough Council accepting the bid by resolution on December 27, 2022.

If the new Consumption Liquor License has not been issued pursuant to all the procedures and conditions contained in Resolution No. 204-2022 within six months after the closing date established for acceptance of applications as set forth in in this Public Notice, no Consumption Liquor License shall be issued without again complying with all of the Resolution and Notice provisions of the law.

Any questions pertaining to the bid application or conduct of sale shall be submitted in writing to the Borough Clerk, at 176 Park Avenue, Rutherford, NJ 07070 no less than seven (7) business days before the date that the bid packages are due.

BY ORDER OF THE BOROUGH COUNCIL

MARGARET SCANLON  
BOROUGH CLERK  
October 28, 2022



**BOROUGH OF RUTHERFORD**  
County of Bergen

**RESOLUTION NO. 204-2022**

**Dated: 10/24/2022**

**RESOLUTION AMENDING RESOLUTION NO. 198-2022  
AUTHORIZING THE PROCEDURES AND CONDITIONS  
REGARDING THE PUBLIC SALE OF TWO NEW PLENARY RETAIL  
CONSUMPTION LIQUOR LICENSES**

**WHEREAS**, *N.J.S.A* 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such Licenses existing in the municipality is fewer than one for each 3,000 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

**WHEREAS**, the U.S. Bureau of the Census figure for the 2020 Census has been certified by the New Jersey Secretary of State Department; and

**WHEREAS**, pursuant to such certified figures, the population of the Borough of Rutherford is 18,834 persons; and

**WHEREAS**, as a result of the foregoing, there exists in the Borough of Rutherford the authority to issue six (6) new Plenary Retail Consumption Licenses permitting the sale of alcoholic beverages for on premises consumption and sale of alcoholic beverages for off premises consumption as defined by statute and regulations of the New Jersey Division of Alcoholic Beverage Control; and

**WHEREAS**, the Borough Council has determined to sell, at public sale, two (2) new Plenary Retail Consumption Licenses; and

**WHEREAS**, the Borough had adopted Resolution 198-2022 on October 11, 2022, and the Borough desires to amend the said Resolution as more fully set forth herein; and

**WHEREAS**, this Resolution removes any reference to the B-2 Zoning District as states in paragraph 3c in Resolution 198-2022; and

**WHEREAS**, pursuant to *N.J.S.A* 33:1-19.3, it is the desire of the Borough Council of the Borough of Rutherford, to accept sealed bids for said new License as required by law subject to the terms and conditions herein specified.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Rutherford that Resolution 198-2022 is hereby amended as follows:

1. The Borough Council hereby determines that it will sell at public sale two (2) new Plenary Retail Consumption Licenses (the "Licenses") to the highest qualified bidders, in accordance with the procedures set forth in N.J.S.A 33:1-19.3 et seq.
2. The Borough Clerk shall publish a notice of the public sale and an invitation to bid in the The Record, the official newspaper of the Borough, at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty days prior to the date after which no further applications shall be accepted.
3. The following conditions shall apply to the award and issuance of the License:

- a. Bidder must demonstrate that it intends on actively using the License within six months of issuance of the license, by showing proof of a lease, an ownership interest or an option to lease or own property or a building in a location of the Borough described in subsection (c) of this section.
- b. The Borough of Rutherford reserves all rights to take administrative action against the prevailing bidder/Licensee should the License not be placed in active use at the end of the six-month grace period, which shall begin on the day following the Borough Council's action issuing the License.
- c. The Licenses to be issued pursuant to this Resolution shall only be utilized at a restaurant in the following location and/or zoning district:

A location permitted by Section 7-13 A. (3) of the Borough Code.

The premises on which the Licensee operates must comply with all Borough zoning regulations and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.


- d. The minimum bid that shall be considered for the License shall be One Hundred Fifty Thousand (\$ 150,000.00) Dollars.
- e. Prospective bidders must be pre-qualified and only the bids of qualified bidders will be opened.
- f. To pre-qualify, a prospective bidder must submit the following to the Borough Clerk at 176 Park Avenue, Rutherford, New Jersey 07070 on or before December 14, 2022, at 11:00 A.M.:

- 1) A full and complete twelve (12) page State of New Jersey, Department of Law & Public Safety, Division of Alcoholic Beverage Control Retail Liquor License Application Form. The Borough reserves the right to reject any bid which does not include in the ABC approved form of Plenary Retail Liquor License Application the following:

- a) the name as it will appear on the License Certificate (section 2.1 of the application)
  - b) the actual address where the License is to be used, also known as the "sited premises" (section 2.2 of the application), and
  - c) the trade name under which the business is to be conducted (section 2.5 of the application).
- 2) A separate Certification of proof of compliance by the applicant that it meets all conditions or requirements contained in this resolution, including that he/she/they/it know(s) of no other reason why he/she/they/it would be disqualified from having an interest in a Retail Liquor License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder.
  - 3) A separately sealed envelope containing the bid amount with the remittance of a deposit in the amount of \$15,000.00 (10% of the minimum bid amount) by certified check, made payable to the Borough of Rutherford, the outside of which envelope shall state "2022 Plenary Retail Consumption Liquor License Bid" and the name of the bidder.
4. On December 19, 2022, at 11:00 A.M. in the Council Meeting Room in the Rutherford Municipal Complex, 176 Park Avenue, Rutherford, New Jersey, the Borough Clerk shall publicly announce those prospective bidders who have prequalified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Borough ordinances, the conditions set forth in the published notices and other applicable law. The names of those bidders who are pre-qualified shall be posted on the bulletin board in the Rutherford Borough Municipal Building, 176 Park Avenue, Rutherford, New Jersey.
  5. On December 20, 2022, at 11:00 A.M. in the Council Meeting Room in the Rutherford Municipal Complex, 176 Park Avenue, Rutherford, New Jersey, the Borough Clerk shall open the bids of the prequalified bidders and publicly announce the name of each bidder and the amount of each bid.
  6. No bid shall be opened from or on behalf of any prospective bidder who does not qualify. No bid shall be considered which does not contain proof of qualification and any and all other requirements.
  7. The Borough Council shall accept the highest qualified bid, by written Resolution, adopted at a public meeting on December 27, 2022, at 6:30 P.M., or shortly thereafter,

provided the Borough Council does not reject all bids. After the acceptance of the highest qualified bid, the issuance of the License to the highest qualified bidder 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 the Borough of Rutherford within five days of the date of the Resolution of the Borough of Rutherford Council awarding the License. Failure to make timely payment of the balance shall, at the option of the Borough Committee, result in voiding the License award and forfeiture of the successful bidder's deposit whereupon the Committee may award the License to the next highest qualified bidder or take no further action.
  - b. Payment of the Annual Municipal Retail License Fee for the License (\$2,500.00).
  - c. Payment of the State License Application fee (\$200.00).
  - d. Receipt of favorable State and/or Federal criminal background checks for the prospective Licensee and all individuals named in the application.
  - e. Satisfactory outcome of further municipal background checks by the Police Department to investigate the source of funds used to purchase the License.
  - f. Compliance with publication, hearing and resolution requirements under N.J.A.C. 13:2-2.1 et seq. related to the successful applicant/bidder.
8. The deposit of all unsuccessful bidder(s) shall be returned within ten days of the date of the award of the License.
9. The Borough reserves the right to reject all bids where the highest qualified bid is not accepted.
10. The sale may be postponed or cancelled at any time prior to the opening of the bids.
11. 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 a license is not issued within such time, no License can be issued without again complying with all of the Resolution and Notice provisions of the law.

	Yes/Aye	No/Nay	Abstain	Absent	
Goldsack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Rutherford on the 24 <sup>th</sup> day of October 2022   Margaret M. Scanlon, Borough Clerk
Mullahey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cokeley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
McGowan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Begg-Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Guzman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Nunziato – tie only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	