

**AGENDA
MUNICIPAL COUNCIL
SPECIAL MEETING
Thursday, November 6, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by a Special Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on October 30, 2014 and posted in the Main Lobby of the Municipal Complex on the same date.

4. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.1884-2014 ORDINANCE AMENDING CHAPTER VI OF THE TOWNSHIP
CODE TO AUTHORIZE THE TOWNSHIP'S ISSUANCE OF
NEW PLENARY RETAIL CONSUMPTION LICENSES UP TO
THE LIMIT ALLOWED BY STATE LAW.

5. **PROPOSED RESOLUTIONS**

Copies of this Resolution are available for review only and are posted in the Council Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

R.596-112014 Resolution amending Resolution R.594-102014 adopted
October 22, 2014.

R.597-112014 Resolution amending Resolution R.595-102014 adopted
October 22, 2014.

6. Such other matters as the Council President deems necessary to bring before the Council at this time.
7. Oral Petitions and Remarks
8. Adjournment

Explanation: An Ordinance amending Chapter VI of the Township Code to authorize the Township's issuance of new plenary retail consumption licenses up to the limit allowed by State law.

ORDINANCE O.1884-2014

EDISON TOWNSHIP

WHEREAS, there are presently ___ plenary retail consumption licenses of the Township of Edison ("Township") held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater 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 Township Code of Ordinances ("Code") at Chapter VI, Section 6-3.4 currently provides for the issuance of up to thirty-two (32) plenary retail distribution licenses; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue at least one new plenary retail consumption license under State law; and

WHEREAS, the Municipal Council of the Township ("Municipal Council") has determined it is reasonable and desirable to amend Chapter VI of the Code ("Code"), in accordance with the authority granted under *N.J.S.A. 33:1-40*, to allow for the Township's issuance of new plenary retail consumption licenses up to the limit allowed by State law; and

WHEREAS, to effect the foregoing, the Municipal Council has determined to amend Chapter VI, Section 6-3.4(a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

"6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Consumption	\$2,400.00 (2008/2009)	[32] <u>Up to maximum allowed under <i>N.J.S.A. 33:1-12.14</i></u>
	\$2,500.00 (2009/2010–2013-2014)	

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter VI, Section 6-3.4(a) of the Code to read as follows:

"6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Consumption	\$2,400.00 (2008/2009)	Up to maximum allowed under <i>N.J.S.A. 33:1-12.14</i> "
	\$2,500.00 (2009/2010–2013-2014)	

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter VI of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the issuance of plenary retail consumption licenses heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Explanation: A Resolution amending Resolution R.594-102014 adopted October 22, 2014 (which authorizes the sale of one (1) Plenary Retail Distribution Liquor License by public sale to the highest bidder) to require that the winning bidder pay the full bid price within four (4) days of acceptance of the winning bid.

RESOLUTION R.596-112014

EDISON TOWNSHIP

WHEREAS, there are presently six (6) plenary retail distribution licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail distribution licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 7,500 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue several new plenary retail distribution licenses; and

WHEREAS, by Resolution R.594-102014 adopted October 22, 2014, the Municipal Council of the Township (“Municipal Council”) authorized the issuance of one (1) new plenary retail distribution license by public sale to the highest qualified bidder therefore and the advertisement for same; and

WHEREAS, Resolution R.594-102014 requires that every bidder submit a bid deposit of 20% of the bid price with the bid application, and that the winning bidder pay the balance of the bid amount within thirty (30) days of the adoption of a municipal resolution accepting the highest bid; and

WHEREAS, the Municipal Council desires to change the terms of payment for the new license as originally stated in Resolution R.594-102014 to require that the winning bidder pay the balance of the bid price within four (4) days of acceptance of the winning bid.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Section 5 of Resolution R.594-102014 is amended to read as follows:

“All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within four (4) days of the Township’s adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.”
3. All other terms of Resolution R.594-102014 remain in full force and effect, as originally adopted. The bid application date and bid opening date remain as scheduled in Resolution R.594-102014.
4. This Resolution shall take effect immediately.

Explanation: A Resolution amending R.595-102014 adopted October 22, 2014 (which authorizes the sale of one (1) Plenary Retail Consumption Liquor License by public sale to the highest bidder) to require that the winning bidder pay the full bid price within four (4) days of acceptance of the winning bid.

RESOLUTION R.597-112014

EDISON TOWNSHIP

WHEREAS, there are presently thirty-two (32) plenary retail consumption licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater 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 Township has a population of nearly 100,000 people and may issue a new plenary retail consumption license; and

WHEREAS, by Resolution R.595-102014 adopted October 22, 2014, the Municipal Council of the Township (“Municipal Council”) authorized the issuance of one (1) new plenary retail consumption license by public sale to the highest qualified bidder therefore and the advertisement for same; and

WHEREAS, Resolution R.595-102014 requires that every bidder submit a bid deposit of 20% of the bid price with the bid application, and that the winning bidder pay the balance of the bid amount within thirty (30) days of the adoption of a municipal resolution accepting the highest bid; and

WHEREAS, the Municipal Council desires to change the terms of payment for the new license as originally stated in Resolution R.595-102014 to require that the winning bidder pay the balance of the bid price within four (4) days of acceptance of the winning bid.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, as follows:

3. The aforementioned recitals are incorporated herein as though fully set forth at length.
4. Section 5 of Resolution R.595-102014 is amended to read as follows:

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3. All other terms of Resolution R.595-102014 remain in full force and effect, as originally adopted. The bid application date and bid opening date remain as scheduled in Resolution R.595-102014.

4. This Resolution shall take effect immediately.

