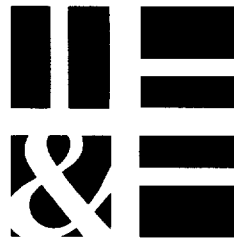


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January 5, 2009

Ms. Cynthia Biedenkopf  
City Clerk  
City of Bethlehem  
10 East Church Street  
Bethlehem, PA 18018

RE: Request Intermunicipal Liquor License Transfer  
My Client: Mountain Due, LLC  
Site Location: One East Broad Street, Suite 100, Bethlehem, PA

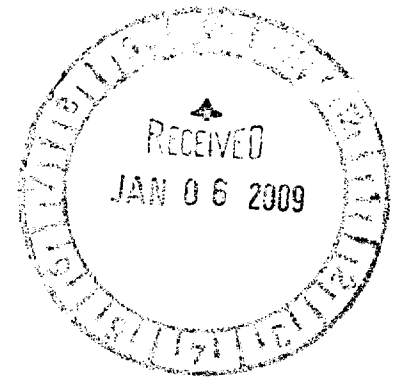
Dear Ms. Biedenkopf:

Please consider this correspondence as my client's request for an intermunicipal transfer of liquor license into the City of Bethlehem at the above location, pursuant to 47 P.S. § 4-461(b.3). Under this statute, please note that a public hearing must be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality relative to my client's application. In my experience, the hearings have been conducted as a legislative forum to ascertain whether moving the license into the City at a particular location would adversely affect the welfare, health, peace and morals of the municipality. Typically, the hearings have not been specially listed at their own times, but have been specially listed agenda items of regular City business.

The proposed site has already been approved as a restaurant and I welcome City Council to review zoning records in this regard. In addition, should you have any questions, concerns or would like a summary of my client's proposal (which we intend to present at the hearing with plans), please do not hesitate to contact me. Lastly, attached is a copy of the proposed Resolution approving the transfer.

Steven E. Hoffman  
Theodore J. Zeller, III  
Kelly Smith Watkins  
George C. Hlavac  
Ronnie F. Hess  
F. Peter Lehr  
Jeffrey S. Stewart  
Wendy R.S. O'Connor  
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S. Graham Simmons, III  
Megan D. Dalton  
Michael R. Smith  
Edward J. Easterly  
Stephanie A. Kobal  
Rebecca J. Price  
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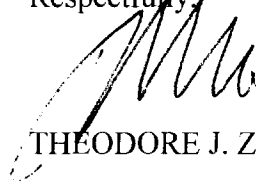
William H. Eckensberger, Jr.  
Michael J. Egan  
OF COUNSEL



Ms. Cynthia Biedenkopf  
City Clerk  
City of Bethlehem  
January 5, 2009  
Page 2

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'TJZ', written over a faint, larger signature that is partially obscured.

THEODORE J. ZELLER III

TJZ:rds  
Enclosure

**CITY OF BETHLEHEM,  
NORTHAMPTON COUNTY, PENNSYLVANIA  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE REQUEST OF  
MOUNTAIN DUE, LLC  
TO TRANSFER LIQUOR LICENSE NO. R-15919**

**WHEREAS**, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter “Code”) authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter “PLCB”) to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant and eating place retail dispenser licenses without regard to quota restrictions for the purpose of economic development; and

**WHEREAS**, subsection (b.3) of Section 461 requires that an inter-municipal transfer or issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

**WHEREAS**, that subsection also requires that a receiving municipality issue a resolution approving or disapproving the intermunicipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

**WHEREAS**, that subsection mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within the receiving municipality concerning the intent to transfer the license into the municipality or the issuance of an economic development license; and

**WHEREAS**, Mountain Due, LLC (hereinafter “Applicant”), leases property located at One East Broad Street, Suite 100, Bethlehem, Northampton County, PA and intends to operate a restaurant at such location; and

**WHEREAS**, on January 5, 2009 and pursuant to Section 461, the Applicant filed a request for approval by City Council, City of Bethlehem, Northampton County (hereinafter “Council”) of a proposed, intermunicipal transfer of Restaurant Liquor License No. R-15919 owned by Merlo Restaurant Group, LLC, formerly licensed to conduct business at 135 Spring Street, Nazareth, Northampton County, Pennsylvania to One East Broad Street, Suite 200, Bethlehem, Northampton County, Pennsylvania; and

**WHEREAS**, on \_\_\_\_\_, 2009, and in accordance with Section 461 (b.3) Council held a public hearing on the proposed liquor license transfer; and

**WHEREAS**, the purpose of this Resolution is to comply with Code Section 461 (b.3).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bethlehem, Northampton County, Pennsylvania as follows:

1. Applicant seeks approval of an intermunicipal transfer of Restaurant Liquor License No. R-15919 owned by Merlo Restaurant Group, LLC, formerly licensed to conduct business at 135 Spring Street, Nazareth, Northampton County, PA to One East Broad Street, Suite 100, Bethlehem, Northampton County, PA pursuant to Code Section 461.

2. Applicant proposes to, and will, operate a restaurant at the aforescribed location.

3. The Applicant's proposal is consistent with current zoning regulations.

4. The Applicant's proposed restaurant will be located in a non-residential City of Bethlehem zoning district.

5. There is no evidence that the proposed, intermunicipal transfer will adversely affect the welfare, health, peace and morals of this City or the residents hereof.

6. Council hereby approves the Applicant's request for an intermunicipal transfer of Pennsylvania Liquor License No. R-15919 pursuant to Code Section 461 (b.3).

7. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

**ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2009, by City Council of the City of Bethlehem, Northampton County, Pennsylvania, in lawful session duly assembled.

CITY OF BETHLEHEM  
CITY COUNCIL

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ATTEST:

\_\_\_\_\_  
Secretary