

PH



Ellen M. Freeman, Esquire
Direct Dial: 412-535-5100
E-mail Address: ellen@flaherty-ohara.com

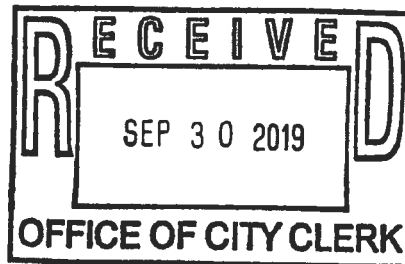
Pittsburgh Office:
610 Smithfield Street 412-456-2001
Suite 300 FAX: 412-456-2019
Pittsburgh, PA 15222 www.flaherty-ohara.com

Toll Free: 1-866-4BEVLAW
File No. 25052.125

September 27, 2019

Via Federal Express

Robert Vidoni, City Clerk
City of Bethlehem
10 E. Church St.
Bethlehem, PA 18018



Re: Request for a Hearing on the Intermunicipal Transfer of a Liquor License into the City of Bethlehem, Lehigh County, Pennsylvania

Dear Mr. Vidoni:

I represent and am writing on behalf of Weis Markets, Inc. ("Weis") to request a resolution from the City of Bethlehem approving the intermunicipal transfer of a Pennsylvania "R" or "restaurant" liquor license from outside the municipality into the City of Bethlehem. Weis will be operating a restaurant inside its grocery store at 2285 Schoenersville Road, Bethlehem, Pennsylvania in the City of Bethlehem in which it intends to sell beer, referred to in the Liquor Code as malt and/or brewed beverages. Weis plans to sell beer from the restaurant for consumption on premises in the restaurant and "to go" and to sell wine "to go."

In order to sell beer and wine in its restaurant in the City of Bethlehem in accordance with its business plan, Weis must secure a restaurant liquor license. No City of Bethlehem restaurant liquor license is available for purchase. As a result, Weis has entered into an agreement to purchase a liquor license currently located outside of the city and plans to move the license into the city, with the approval of the municipality, and subsequently the Pennsylvania Liquor Control Board ("PLCB"), pursuant to the intermunicipal transfer provisions of the Liquor Code (47 P.S. §461). The license under agreement is currently located in the City of Allentown (License No. R-3759).

Weis hereby formally requests that, pursuant to 47 P.S. 461, the City of Bethlehem issue a resolution approving the transfer by Weis of a restaurant liquor license from outside the municipality to within the municipality.

Pursuant to 47 P.S. 4-461, City of Bethlehem must hold a hearing for the purpose of allowing the residents of the municipality to voice their opinions on the proposed intermunicipal transfer by Weis. Under 47 P.S. 461, after the hearing, the municipality

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must approve or deny the requested transfer, by way of a resolution or ordinance, within 45 days of this request.

To date, the PLCB has approved liquor licenses at eighty-seven (87) Weis locations. Seventy-two (72) of the locations currently sell beer and wine both for consumption on premises in the restaurant and "to go." The others are being held in safekeeping with the PLCB pending completion of the licensed premises.

For your convenience and reference, I have enclosed a form resolution which numerous other municipalities have used in responding to requests for intermunicipal transfers. The Pennsylvania Liquor Control Board requires that a resolution approving an intermunicipal transfer must include the following: (1) the name of the applicant (here, Weis Markets, Inc.); (2) the address to which the license is being transferred (here, 2285 Schoenersville Road, City of Bethlehem, PA 18017); (3) the liquor license number (here, R-3759); (4) a statement that a public hearing was held on the requested resolution; (5) a statement that proper notice of the hearing was published and (6) the name and address of the current licensee (here, Fun Bar, LLC, 702-726 Union Boulevard, City of Allentown, PA 18109).

Further, the Liquor Code (47 P.S. Section 102) requires that notice of the public hearing must be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Pursuant to the statute, the notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e., request by Weis Markets, Inc. for an intermunicipal transfer of a liquor license). Section 102 also provides that the first publication shall not be more than 30 days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

Weis Markets, Inc. will reimburse the city for all costs associated with the hearing.

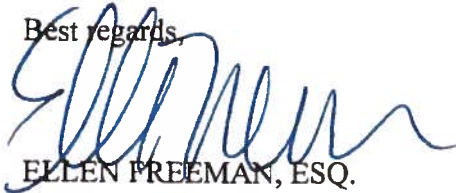
At the time of the hearing, we will present complete information on the operations of Weis' proposed restaurant and answer any questions that you, the City of Bethlehem, the City Council or residents might have. Initially, by way of background, I am providing the following information. Weis has 164 grocery stores and restaurants in Pennsylvania and neighboring states. This Weis restaurant in the City of Bethlehem will be a family-friendly restaurant which will have a separate entrance, but also have interior connections or openings to the grocery store. The restaurant will be located in a distinct, tastefully decorated and well accommodated area removed from the grocery store. Weis' restaurant will sell beer and other malt and brewed beverages and offer high-quality meals for consumption on and off the premises. Wine will be sold to go.

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The City of Bethlehem Weis restaurant will have a seating capacity of at least thirty (30). A restaurant within Weis will offer another dining alternative in the City of Bethlehem regardless of whether patrons will also be shopping at Weis' store. Weis is very sensitive to its role in the communities it serves and is very involved in those communities. A Weis store and restaurant typically employs 300 full and part-time people and generates significant tax revenues for the local economy. The City of Bethlehem's approval of an intermunicipal transfer of a restaurant liquor license for Weis' restaurant will permit the operation of a restaurant in the City of Bethlehem that will be a positive attribute to the City.

Please email or call me or my paralegal, Lexie J. Miller (412.535.8207), as soon as possible when a hearing date is scheduled in order that I can be sure my client and I are available to travel to and attend the hearing.

Best regards,



ELLEN FREEMAN, ESQ.

EMF:ljm

Enclosure: Draft Municipal Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BETHLEHEM, COUNTY OF LEHIGH
COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER
OF RESTAURANT LIQUOR LICENSE NO. R-3759 INTO
THE CITY OF BETHLEHEM FROM THE CITY OF ALLENTOWN**

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in the City of Bethlehem sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Weis Markets, Inc. has requested the approval of the City Council of the City of Bethlehem for the proposed transfer of Pennsylvania restaurant liquor license no. R-3759 (currently held by Fun Bar, LLC, 702-726 Union Boulevard, City of Allentown, Lehigh County, Pennsylvania 18109) by Weis Markets, Inc. to restaurant facilities within the City of Bethlehem to be located at 2285 Schoenersville Road, City of Bethlehem, Lehigh County, Pennsylvania 18017, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the City Council of the City of Bethlehem has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that the City Council of the City of Bethlehem approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-3759 into the City of Bethlehem by Weis Markets, Inc.; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

IN WITNESS WHEREOF, the Council of the City of Bethlehem has adopted this Resolution in lawful session on _____, 2019.

Sponsored by _____

ADOPTED by Council this day of , 2019.

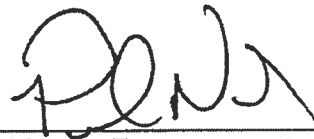
President of Council

ATTEST:

City Clerk

CERTIFICATION THAT PROPERTY OWNERS WITHIN 500 FEET WERE NOTIFIED IN ACCORDANCE WITH CITY COUNCIL RESOLUTION 2012-114

I hereby certify that on October 22, 2019, all property owners within 500 feet of 2285 Schoenersville Road, Bethlehem, Lehigh County, PA 18017 were notified by first class mail of the proposed liquor license transfer of restaurant liquor license no R-3759 into the City of Bethlehem. Said notice to property owners included a summary of the proposed liquor license transfer, where the transfer application and related information may be reviewed during normal business hours, and provided for the date, time and place of consideration by Bethlehem City Council.



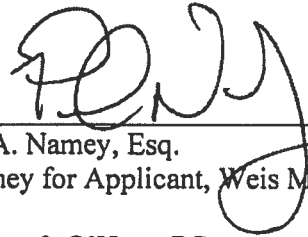
Paul A. Namey, Esq.
Attorney for Applicant, Weis Markets, Inc.

Flaherty & O'Hara, PC
610 Smithfield Street, Suite 300
Pittsburgh, PA 15222
Phone: 412.535-8203
Fax: 412.456.2019
Email: paul@flaherty-ohara.com

Dated: October 22, 2019

**CERTIFICATION THAT PROPERTY WAS POSTED IN ACCORDANCE WITH CITY
COUNCIL RESOLUTION 2012-114**

I hereby certify that on October 22, 2019, notice of the proposed liquor license transfer of restaurant liquor license no R-3759 into the City of Bethlehem was posted in three conspicuous places at 2285 Schoenersville Road, Bethlehem, Lehigh County, PA 18017. Said notice included a summary of the proposed liquor license transfer, where the transfer application and related information may be reviewed during normal business hours, and provided for the date, time and place of consideration by Bethlehem City Council.



Paul A. Namey, Esq.
Attorney for Applicant, Weis Markets, Inc.

Flaherty & O'Hara, PC
610 Smithfield Street, Suite 300
Pittsburgh, PA 15222
Phone: 412.535.8203
Fax: 412.456.2019
Email: paul@flaherty-ohara.com

Dated: October 22, 2019