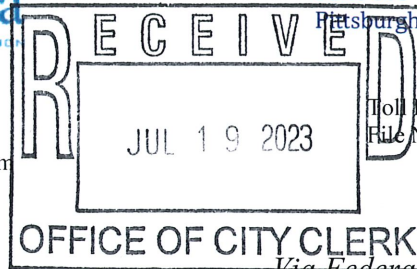




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File No. 39093.038

July 18, 2023

Via Federal Express & Electronic Mail

City of Bethlehem
Attn: Tad Miller, City Clerk
10 East Church Street
Bethlehem, PA 18018
cityclerk@bethlehem-pa.gov

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

Dear Mr. Miller:

I represent and am writing on behalf of Wawa, Inc. ("Wawa") to request a resolution from the City of Bethlehem (the "City") approving the intermunicipal transfer of a Pennsylvania "restaurant" or "R" liquor license from outside the municipality into the City. Wawa is constructing a new convenience store located at 770 Hellertown Road, Bethlehem, PA 18018. The new convenience store will include a dining area with a vast array of food options to dine-in or take to-go, as well as an offering of beer and wine which will be sold primarily to-go.

In order to sell beer and wine from its new store in the City in accordance with its business plan, Wawa must secure a restaurant liquor license. There are no restaurant liquor licenses available to purchase within the City. As a result, Wawa has entered into an agreement to purchase a liquor license that is currently located in Upper Mt Bethel Township, Northampton County. Wawa plans to move the license into the City with the approval of the City Council, and subsequently the Pennsylvania Liquor Control Board ("PLCB").

Wawa hereby formally requests that the City schedule a public hearing pursuant to the provisions of Section 461(b.3) of the Liquor Code. The public hearing will be for the purpose of allowing the residents of the City to voice their recommendations and opinions on the proposed operations of a liquor license by Wawa at its proposed location. After the public hearing, the City must approve or deny the requested transfer, by way of a resolution or ordinance. The public hearing and subsequent resolution or ordinance must occur within 45 days of receiving this request. If additional time is needed, the City can elect to extend this time period by 60 days by notifying my office of its election to do so.

I have enclosed a proposed resolution which other municipalities have used in the past when 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



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name of the applicant (here, Wawa, Inc.); (2) the address to which the license is being transferred (here, 770 Hellertown Road, Bethlehem, PA 18018); (3) the liquor license number (here, R-17711); (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, PA Overlook LLC, 4285 N Delaware Drive, Mount Bethel, PA 18343).

Further, the Liquor Code requires that notice of the public hearing be published once each week for two successive weeks in a newspaper of general circulation in the municipality. See 47 P.S. §102. Notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e. request by Wawa, 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.

At the time of the public hearing, my client and I will present complete information on the proposed operations of Wawa's new store and answer any questions that the City and/or its residents might have. However, if there are any preliminary questions that you feel would assist the City Council in rendering a decision on Wawa's request, please do not hesitate to reach out to me. Wawa will reimburse the City for all expenses related to the inter-municipal transfer hearing. Please send all invoices via email to Samantha Tipton at stipton@flaherty-ohara.com.

Please email or call me as soon as possible when a hearing date is scheduled in order to be sure my client and I are available to travel to and attend the hearing.

Best regards,

A handwritten signature in blue ink, appearing to read 'Ellen Freeman', written over a horizontal line.

ELLEN FREEMAN, ESQ.

Enc.

cc: Michael G. Colón, President of Council (via email to mcolon@bethlehem-pa.gov)

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17711 BY WAWA, INC. INTO THE CITY OF BETHLEHEM

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board (“PLCB”) 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 sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant obtain from the receiving municipality a resolution or ordinance approving the inter-municipal transfer of the liquor license prior to the 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 or ordinance by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the 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 Wawa, 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-17711 from PA Overlook LLC, formerly located at 4285 N. Delaware Drive, Mount Bethel, PA 18343 to Wawa, Inc. to a restaurant facility to be located at 770 Hellertown Road, Bethlehem, PA 18018 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 had held a properly advertised public hearing pursuant to the notice provisions of §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 intermunicipal transfer of Pennsylvania Restaurant Liquor License No. R-17711 to Wawa, Inc.; and

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

DULY ADOPTED this ____ day of _____, 2023, by the City Council of the City of Bethlehem.

ATTEST:

BY:
