

**Miller, Tad J**

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**From:** Mark Kozar <mkozar@flaherty-ohara.com>  
**Sent:** Tuesday, September 19, 2023 2:08 PM  
**To:** Miller, Tad J  
**Cc:** Amy Reuter  
**Subject:** Sheetz, Inc. Request for Intermunicipal Liquor License Transfer  
**Attachments:** FO010.pdf  
  
**Importance:** High

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Dear Mr. Miller:

I represent Sheetz, Inc. By letter dated August 7, 2023 addressed to Mayor William Reynolds (copy attached), I requested that the City of Bethlehem schedule a hearing on Sheetz's request. I have not received a response from the City. Upon review I realized that my colleague, Ellen Freeman, had requested an intermunicipal hearing that took place in early September. I also discovered that the City had a resolution regarding intermunicipal transfers which requires a \$200.00 fee and notification to real estate owners with in 500 feet of the proposed location of the hearing.

We will be sending the check shortly. Please inform us of when the hearing will be scheduled. Thanks for your cooperation in this matter.



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Senior Counsel

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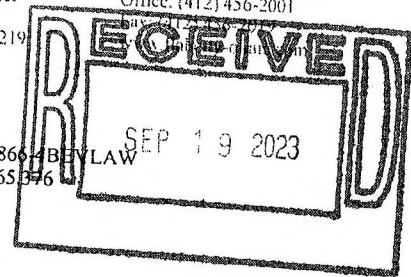


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File No. 23065376



August 7, 2023

*Via Federal Express*

The Honorable J. William Reynolds  
Mayor, City of Bethlehem  
10 East Church Street  
Bethlehem, PA 18018

**Re: Request by Sheetz, Inc. for Approval of Inter-Municipal Transfer of  
Restaurant Liquor License**

Dear Mr. Reynolds:

I represent and am writing on behalf of Sheetz, Inc. ("Sheetz"). As you may know, Sheetz is building a new store on the southwest corner of the intersection of Fourth Street and Emery Street in the City of Bethlehem ("Bethlehem"). When completed this store will have a sit-down restaurant area for more than 30 customers featuring all the fresh Made to Order® Sheetz foods. Accordingly, this store will qualify for a restaurant liquor license pursuant to the Liquor Code. Pursuant to its business plan, Sheetz would like to sell beer to go and to a much lesser extent for on premises consumption, and wine to go at this location.

In order to sell beer and wine at its store at this location, Sheetz must secure a restaurant liquor license. No Bethlehem license was available for purchase. As a result, Sheetz has entered into an agreement to purchase a license from outside of the City and would like to move the license into the City, with the approval of the City, pursuant to the inter-municipal transfer provisions of the Liquor Code (47 P.S. 461).

Sheetz hereby requests that, pursuant to 47 P.S. 461(b.3), Bethlehem schedule a hearing, as required by the Liquor Code, on the issuance of a resolution approving the transfer by Sheetz of a restaurant liquor license from outside the City to within it.

Pursuant to the Liquor Code, the purpose of the hearing is to allow Sheetz to describe its proposed business and to allow the residents of Bethlehem to voice their opinions on the proposed inter-municipal transfer by Sheetz. The City, pursuant to 47 P.S. 461(b.3), must approve or deny the requested transfer, by way of a resolution or ordinance, within 45 days of this request.

For your convenience and reference, I have enclosed a form resolution which other municipalities have used in responding to requests for inter-municipal transfers. The

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Mr. J. William Reynolds, Mayor

August 7, 2023

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Pennsylvania Liquor Control Board requires that a resolution approving an inter-municipal transfer must include the name of the applicant (here, "Sheetz, Inc."), the address to which the license is being transferred (here, "The southwest corner of the intersection of Fourth Street and Emery Street, Bethlehem, Northampton County, Pennsylvania"), the liquor license number (here, "R-11795"), the name and address of the current licensee (here, "Aiello & Grigoli, Inc., 821 Main Street, Northampton Borough, Northampton County, Pennsylvania") and must state that a public hearing was held.

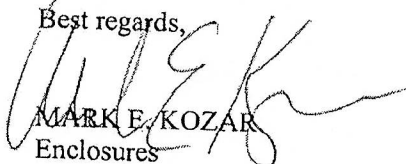
The Liquor Code (47 P.S. §102) requires that notice of a public hearing must be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Further, such notices must state the time and place of the hearing and the matter to be considered at the hearing. Amended Section 102 also provides that the first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

At the time of the hearing, we will present complete information on the operations of Sheetz's restaurant and answer any questions that Council or residents might have. Initially, by way of background, Sheetz's is a family-friendly, relaxed, casual restaurant featuring a wide variety of unique Made to Order® selections to satisfy every taste in food.

Bethlehem's approval of an inter-municipal transfer of a liquor license by Sheetz will permit the operation of a restaurant in the City that will be a positive attribute to City, its residents and the surrounding area.

If there are any preliminary questions that you feel would assist Council in rendering a decision on Sheetz's request, please do not hesitate to reach out to me.

Best regards,

  
MARK E. KOZAR  
Enclosures



**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE No. R-11795 BY SHEETZ, 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 Sheetz, 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-11795 from Aiello & Grigoli, Inc., at 821 Main Street, Northampton, PA 18067 to Sheetz, Inc., for a restaurant facility to be located at 4<sup>th</sup> and Emery Streets, 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-11795 to Sheetz, Inc.; and

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

Sponsored by \_\_\_\_\_

\_\_\_\_\_

ADOPTED by Council this       day of       , 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk