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May 14, 2009
Kutztown, PA

The special meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Municipal Building by President Malcolm A. Eidle, with other members present: Mr. Edwin Seyler, Mrs. Amy Bray, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, Student Ambassador Robert Toth and Mayor Sandy Green. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Mr. Craig M. Summers, Chief of Police; Ms. Rachael Birckbichler, Community Development Director; Dave Remaley, representing the Zoning Hearing Board; residents David J. Reimer, Sr., Kimberly Scola, Donald Ziegler, and Kim Davis; business owners Jim Springer, Ken Snyder, Erna Snyder, Robert Ziegler, Jim Fox, Arthur Burnett, Matthew Grider, and Alan J. Robertson, DDS; Dan Shelly, Max Borshansky, and Duyen Thai, representing Groov; Christina Steffy, student; Matthew Gonzalez, associate of applicant; and Carole Duran, reporter for The READING EAGLE were also present.

Mr. Mooney presided over a public hearing pursuant to 47 P.S. §461 et seq of the Pennsylvania Liquor Code to receive testimony, consider, deliberate, and discuss the application of Groov, Inc., to transfer Liquor License No. R-9220 from the City of Reading, Berks County, Pennsylvania, to premises located in the Borough of Kutztown, Berks County, Pennsylvania, at 314 West Main Street, Kutztown, Pennsylvania, owned by Fox & Smith Realty. A proof of publication was confirmed showing notice of the public hearing in the Reading Eagle on Tuesday, April 28, 2009.

The transcript of the public hearing in its entirety may be available upon request and upon payment of applicable fees in accordance with the Right to Know law.

A motion was made by Mrs. Bray, seconded by Mr. Seyler, Resolved, To adopt the following resolution:

RESOLUTION NO. 17-2009

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, DENYING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-9220 INTO THE BOROUGH OF KUTZTOWN FROM THE CITY OF READING.

WHEREAS, Act 141 of 2000 (the "Act"), which amends the Commonwealth's Liquor Code, 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 sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the receiving municipality to issue an ordinance or resolution approving or disapproving the inter-municipal transfer of the liquor license from the transferring municipality prior to an applicant's submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, amendments to the Liquor Code stipulate that, prior to adoption of a resolution or ordinance, as set forth above, by the receiving municipality, at least one hearing shall be held for the purpose of permitting interested 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 restaurant liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Groov, Inc., tenant and proprietor of 314 W. Main Street in the Borough of Kutztown, has requested the approval of the Borough Council of the Borough of Kutztown for the proposed transfer of a Pennsylvania restaurant liquor license to its establishment located at 314 W. Main Street in the Borough of Kutztown, 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 Borough Council of the Borough of Kutztown has held a public hearing on May 14, 2009, to receive comments on the

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proposed liquor license transfer, and after consideration of the issues, finds that the transfer of a restaurant liquor license into the Borough of Kutztown by the applicant will be detrimental to the welfare, health, peace and morals of the Borough of Kutztown or its inhabitants; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Kutztown denies, by adoption of this Resolution, the proposed transfer of restaurant liquor license No. R-9220 into the Borough of Kutztown by Groov, Inc.

DULY ADOPTED this 14th day of May, 2009 by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful session duly assembled.

Passed by unanimous vote.

There being no further business, the special meeting adjourned at approximately 10:20 p.m.

Prepared by: Bonnie Bray
Secretary