



Official and Approved Minutes

BERLIN BOROUGH SPECIAL COUNCIL MEETING

September 29, 2017 - 5:00 p.m.

1. The President called the meeting to order.
2. Pledge of Allegiance to the American Flag.
3. President offered a non-denominational prayer.

ROLL CALL

Barb Zerfoss	Present
Thomas Fisher	Present
Roger Clarke	Present
John Harding, Jr.	Present
Eric Glotfelty	Present
Mayor Joseph Krause	Present
Brett Custer	Present
Charles Rhodes	Present

Also in attendance were:

Thomas D. Jones, Executive Borough Secretary
Solicitor Girard E. Rickards, Allison & Rickards

Members of the public: Please see the attached lists.

President Custer: This special meeting of the Berlin Borough Council will address matters that I am personally involved with, so I am respectfully recusing myself from Council participation and deliberations in accordance with Commonwealth of Pennsylvania Ethics Law conflict of interest provisions. I now ask that Vice-President Roger Clarke accept the gavel and conduct the rest of this meeting. *(Mr. Custer handed gavel to Mr. Clarke and then took a seat in the audience).*

Vice-President Roger Clarke - This special Council meeting is being held to provide for a public hearing as required by the Pennsylvania Liquor Code, 47 P.S. 461, on the request by Custer Holdings, LLC for approval of an Inter-Municipal Transfer of Restaurant Liquor License. Secretary Jones would you please present the request to the Council?

Secretary Jones – *Mr. Jones read aloud a letter from Gregory A. Szallar, an attorney with the law firm of Flaherty & O'Hara, dated September 6, 2017 and received at the Borough Offices on September 8, 2017 (Exhibit 1). The letter was a request by Custer Holdings, LLC, for approval of an inter-municipal transfer of restaurant liquor license. Mr. Jones then offered that he was in receipt of the proof of publication from the Somerset Daily American newspaper (Exhibit 2). The advertisement giving notice of this special Council meeting and public hearing was published on September 9th and September 16th, and therefore it appears that proper notice of this special meeting and hearing has been given per the Liquor Code (47 P.S. Paragraph 102, as amended).*

Vice-President Roger Clarke: Thank you Secretary Jones. (*Mr. Clarke read the proposed resolution aloud*):

BERLIN BOROUGH

RESOLUTION NO. 09292017-01

A RESOLUTION OF THE BERLIN BOROUGH,
COUNTY OF SOMERSET, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17251
INTO BERLIN BOROUGH

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 Berlin Borough, 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 Custer Holdings, LLC, has requested the approval of Berlin Borough for the proposed transfer of Pennsylvania restaurant liquor license no. R-17251, from the Pennsylvania Liquor Control Board by way of Public Auction to Custer Holdings, LLC, for restaurant facilities within Berlin Borough to be located at 404 Broadway Street, Berlin Borough, Somerset County, Pennsylvania 15530 with the understanding that the liquor license will be transferred to only that location. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that Berlin Borough 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 Berlin Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-17251 into Berlin Borough by Custer Holdings, LLC, and

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

Vice-President Roger Clarke: Before we hear comments from the public, I want to introduce Berlin Borough Solicitor Girard E. Rickards who will explain the procedures that will be used during this

hearing. Solicitor Rickards you may proceed.

Solicitor Girard E. Rickards – Mr. Rickards gave the guidelines for the hearing. The meeting has only one purpose – to take comments on whether the approval of the proposed resolution on the transfer of an inter-municipal restaurant liquor license by Custer Holdings, LLC would be adverse to the welfare, peace and morals of the residents of Berlin. The Council will then vote to approve or to deny the resolution. The residents need to keep in mind that this is a local vote only, and the Pennsylvania LCB will make the final decision to approve the license transfer or not. Interested individuals that are residents of the municipality will be provided time to speak and should keep their comments to five minutes or less. This must be done in an orderly fashion. Those that wish to speak should come to the podium when your name is called, state your name, address, and whether you are a resident of Berlin or not. You need to give specific reasons as to why you are in favor of the transfer of the license or why you are not. Since Custer Holdings, LLC is the party making the request, they will present their request first and then members of the public that have signed up to speak will be heard from.

Gregory A. Szallar, Attorney for Custer Holdings, LLC – (*Mr. Szallar made a presentation – a copy of this presentation is attached as Exhibit 3. Exhibit 4 is Custer Holdings, LLC Proposed Floor Plan and Menu*). After his presentation, Mr. Szallar emphasized that Custer Holdings, LLC would exceed the minimum requirements of the PA LCB for identification procedures for underage customers – all ID's would be scanned regardless of the age of the customer, there would be registers with lockout capabilities if ID's were not scanned and or fake ID's are used.

Vice-President Roger Clarke – We will now hear comments from the public. Please step up to the podium as your name is called and address the Council. Secretary Jones will call the names.

Matt Walker – (*Prior to Mr. Walker speaking, Pat Pelar, owner of the East End Grille stated that Mr. Walker would be echoing his position on the transfer of the liquor license*). Matt Walker stated that he is a resident of Berlin and is the owner of the New National Hotel. He is against the transfer from two perspectives: 1) as a resident he is concerned that kids do not need exposed to cigarettes, alcohol, ammunition, and firearms when going into a convenience store. Kids that go into a convenience store do not need to have alcohol shoved down their throat with all the signs, displays, coolers, etc. He is concerned someone could go into the store, buy food, buy alcohol, purchase ammunition and a gun, drink outside in their vehicle, go back into the store and rob it, shoot someone, and then leave. How could the one Berlin policeman take care of this; 2) he is the owner of an establishment that sells food, beer, liquor, and beer to go, just as the Diamond Mini Mart wants to do. He believes allowing Custer Holdings, LLC to do this will be detrimental to his personal economic welfare. His business has been for sale for some time. The State of Pennsylvania is broke and opened the transfer of the licenses to convenient store, grocery stores, and restaurants to sell alcohol which was like the state opening a bank. This would lead to an oversaturated market. This is detrimental to business and property values. It will open a can of worms and where will it go. His property has gone down in value and potential buyers have cold feet. He stated that his sales will decrease. He asked the Berlin Council to put themselves in his position as business owners and to not allow the license transfer.

Vice-President Clarke – asked Mr. Walker is there a distance limit between establishments.

Mr. Szallar – stated there are no distance limits between establishments selling alcohol.

Mr. Walker – there are variances between schools, churches and other establishments of 200 feet. The Diamond Mini Mart is only 67 feet away from the New National Hotel.

Mr. Szallar – the law provides distance limits of 100 feet to 500 feet from other establishments, churches, schools, etc. These distance limits do not automatically prohibit a license being transferred, it only gives automatic protest rights – another licensee if it is within 200 feet; schools and churches if a new licensee is within 300 feet. Licenses have already been transferred all across Pennsylvania close to churches, daycares, schools, etc. The distance limits are not intended to be a prohibition of a license location, they only give automatic protest rights against the transfer of a license.

Mr. Walker – 67 feet away from another establishment might not be so bad if Route 219 or other attractions would be bringing in business. The per capita rule used to be one establishment per 3,000 people – Berlin has about 2,200 residents. The population has declined in the past few years. With the New National, East End Grille, the American Legion and Whitehorse Brewery it is 4 establishments at 3,000 per capita Berlin would need 12,000 residents. The market is oversaturated and another license would be detrimental to existing businesses. Pat Pelar stated that another license would water down the market.

Council Member Tom Fisher – Mr. Fisher stated he personally knows Mr. Walker and Mr. Pelar and the current population is somewhere between 2,100-2,200. For decades there were at least four establishments licensed to sell alcohol and everybody survived quite well. There are a lot of hunters, outdoorsmen, and others that come to Berlin. The Borough has not changed the rules or laws, the State legislature did.

Mr. Walker – the New National used to be for the older folks. The East End was for the younger people. A lot of folks have passed away or moved on and there are not as many customers as there used to be. Mr. Pelar stated that drunk driving laws have changed. Who wants to go out and drink? There has not been any gain in the population of Berlin or increase in alcohol sales for a convenience store to sell beer. The Miner's Café business is struggling. Council should give some regards to existing businesses. Where will the licensing go after Custer Holding? Where can you be cheaper than the New National or East End Grille? There won't be any more beer sales.

Vice-President Roger Clarke – the State is the one that opened things up, not the Berlin Council.

Council Member Glotfelty – Mr. Glotfelty stated that he tries to go to all the Berlin businesses and spends money to try and help them out. He had two different Pastors in town text him about the transfer of the liquor licenses and each had a different opinion on the license transfer. He asked Mr. Walker if he is so worried about the business competition, then why did the New National start gambling in their establishment that was in competition with the American Legion who donates proceeds from gambling back to the community. How much has the New National taken away from the Legion and the community?

Matt Walker – because it's the law that permits him to conduct gambling. You have to be a member to go in the American Legion. You have to be 21 to get into the New National. *Mr. Pelar stated that you have to be 18 to go in the East End Grille.*

Council Member Glotfelty – How is selling beer in a convenient store shoving it down kids' throats?

Matt Walker – with signs – if beer signs are put up at the convenience store like the signs for cigarettes, snuff, and other tobacco.

Council Member Glotfelty – East End Grille used to have signs outside – was that shoving beer down kids' throat? Mr. Pelar recently took them down after being asked about them at a previous

Council meeting, but kids still go in there after football games and other times. Maybe they are with a parent. If the waitress serves the parent a beer at a table where the kid is sitting, who is shoving the beer down the kids' throat? Is it the waitress, the parent, the East End Grille, or who? Mr. Szallar stated that the convenient store will not be a bar – there will be a two beer consumption limit at the restaurant. *(Mr. Rickards interrupted and reminded that the talking over each other has to stop. This meeting has to be conducted in an orderly fashion and it may be difficult for Mr. Jones to document everything if everyone speaks at once).*

Matt Walker – Mr. Walker stated that Brett Custer would be just fine financially without the license and beer sales. The New National will suffer if the transfer of the license is allowed.

Mr. Szallar – Mr. Szallar wanted to clarify a statement that was made earlier – there are not four restaurant licenses in Berlin, only one – East End Grille. A fraternal club license does not count against the old per capita population number. The New National Hotel is a direct issue license and it does not count. Whitehorse Brewery is a brew pub and it does not count. The transfer of the restaurant license to Custer Holdings would make it only one over the per capital limit of old. The PA LCB has expanded its rules. There is not proof that another license would necessarily be detrimental to sales at another establishment and under the PA LCB rules, it is irrelevant. No one knows for sure what will happen if the license is granted. These comments or opinions are not valid grounds to deny the license transfer at this hearing or at a PA LCB hearing. *(Mr. Rickards asked that Mr. Szallar make notes of comments that he is in disagreement with and he will have a chance to make remarks at the end of the public comments).*

Wanda Thomas – Ms. Thomas is not in favor of the transfer because of the youth of Berlin. This area is in the top 10 opioid abuse areas in PA. The license is not to sell alcohol but a drug. Alcohol is a window and avenue for drug use. The welfare of the kids is not being talked about and this is selfish. She thought that someone would apply for a license and then have a hearing. The Council needs to represent the residents.

Tom Smith – Mr. Smith stated that he is both a consumer and a customer. As a consumer, he has to leave Berlin to have a drink at a restaurant. He is not a bar patron. He is a wine drinker and would like to stay in town and have a glass of wine to enjoy but he has to leave town to make a purchase which is an inconvenience and is taking revenue out of town. As a customer, he is a retired business person and competition never scared him. Competition makes you better and benefits the customer. If he owned a business that was only 67 feet away from a competitor and customers were going over to the competition, he would ask himself why and try to copy the other business or be better. As it is now in Berlin, you cannot buy a bottle of wine at the New National Hotel or East End Grille. Every lost opportunity is a new opportunity. Maybe a business should up their game and make their business better. *(questions were asked from the crowd and Mr. Rickards reminded everyone members of Council could ask questions, not the public).* Mr. Smith stated to Mr. Walker that it would probably be easier for someone to drink at the New National, go across the street, buy a gun and then come back and shoot the place up than if they drank two beers at a convenient store. Mr. Smith stated he likes competition and travels around and welcomes opportunity. What if someone wanted to open another ice cream store, would Sue Walker complain? He knows of people that go to both the Dairy Bar and the Ice Cream Station for dessert and both seem to do Ok.

Thomas Jones – Mr. Jones has lived at 700 Diamond Street since 1978. Custer's is a convenience store. The Berlin population as of July 1st, 2017 is 2080 and is decreasing. Of the population, 56% are property owners and 34.7% are renters. He asked if a store is selling liquid fuels are they allowed to have a license to sell beer. What about a licensed portion vs. an unlicensed portion. Can you pay for six packs and gas at the same register?

Mr. Rickards – it is legal to sell alcohol at a store that sells liquid fuels as long as there is a division between the areas. A review of the floor plan submitted by Custer Holdings appears to have satisfactory division in compliance with the new law. Mr. Jones asked what about firearms sales? Mr. Rickards stated that special goods need to be separated from the restaurant and the interior connection could not be more than 10 feet in length. The floor plan presented will have separation. A convenience store can have multiple businesses inside with the same one owner.

Thomas Jones – Mr. Jones stated that he is concerned there is only about 2,000 residents in Berlin and believes four establishments selling alcohol is too many. He is not sure about the relationship of the locations and if the 67 feet apart is a good or bad thing. He lives close to Whitehorse Brewery and goes there sometimes or goes elsewhere. As a former educator, he is concerned about the morality of people drinking alcohol at a young age – it is not a great thing and considers alcohol a drug and it is not a good idea for another license.

Connie Ohler – Ms. Ohler is in favor of the license transfer because she likes to have a beer from time to time at home. She now buys beer when she is out of town, or goes out of town, to make a purchase. She does not believe the transfer of license will hurt other businesses because the convenience store will be getting customers that mostly do not go to the New National or East End Grille.

Tammy Werner – Ms. Werner is in favor of the license transfer and sees no problem with it in Berlin. She is not a bar person but does go to East End Grille from time to time to eat and often gets a glass of wine. She lives near the restaurant and bar at East End Grille and it is noisy on some nights. She hears drunks at East End Grille and the language can be like you hear at most any bar with profanity. Thank goodness she has not heard of any guns there yet. She would like to sit down and have a glass of wine with friends from time to time. She is a little leery of alcohol in general because she comes from a family of alcoholics. It would be better for her to buy wine in a convenience store than in a bar. Some like bars and others do not. She has two girls that are grown and have moved on. Morality comes from home, it is not taught at bars. Ms. Werner asked why Mr. Walker and Mr. Pelar didn't complain when Whitehorse Brewery was going in. She does not see a problem if Coalfields Mini Mart started selling alcohol just down from the East End Grille. She has not seen an outbreak of violence or anything detrimental to the youth. (*Mr. Walker said they are not in competition with Whitehorse. Custer Holdings would be taking sales away.*)

Wanda Thomas – Ms. Thomas addressed the comments the attorney representing Brett about his comments that the SKU's and the register lockout may reduce the risk of selling to kids but the store would still have to take responsibility. It takes a village to raise a child. As for the employment that would be added, it would not be from higher sales but from dining. 219 completion may cause a decrease in population and the license would present a lure and doubts the sincerity of the attorney's statements.

Council Member Tom Fisher – the Council needs to be the spokesman for the residents – all the residents. He has opinions and has spoken to members of the community. Tom Sprowls would like it if there were no alcohol sales in all of Berlin. Pat and Matt are good people. The town's people will support your businesses not matter what the vote is. I have heard some comments similar to those of Tom Smith. Me and my wife like to go out for a drink and a glass of wine. Some of our residents are retired and elderly and have to go out of town for wine and beer. Mr. Fisher does not think the license transfer will hurt the existing establishments. It will not be another bar; it will be more similar to the Grapevine, Ratzys, or Ruby Tuesday's. (*Brian Coughenour asked what the menu is going to be.*) Mr. Fisher stated that he did not know.

Council Member Barb Zerfoss – Ms. Zerfoss said she is concerned about a lack of supervision.

With part-time help how are you going to keep from selling to kids?

Attorney Gregory Szallar – Mr. Szallar stated you must be 18 to sell alcohol. Brett Custer will be the PA LCB licensed manager. Additional employees will be hired for supervision. Staff will be monitored very closely. The sale of beer is not primarily for on the premises. A two beer limit will be strictly enforced. You won't be able to drop in, hang out all day and drink, and watch a Steeler game on Sunday. The convenience store is not in competition with the existing licenses. It is not a bar. There will not be liquor sales. There will be six pack sales, and up to four bottles of wine to go. No six pack sales for on the premises consumption. Period. The law says that anyone under 35 must show their ID. Custer Holdings will ID all customers for wine or beer, no matter the age. It will not be a hangout bar. The bulk of the sales will probably be for takeout. The system that will be in place will be way above and beyond what the law requires for ID's and fake ID's.

Matt Walker – there are new situations on daily basis – drugs, spinning tires, spouse's fighting. Beer sales are the bottom line. We have heard the watered down version of what will go in at the convenience store.

Secretary Jones – Secretary asked if there were any more members of the public that wanted to speak. No one came forward.

Vice-President Roger Clarke – Council has heard from the attorney for Custer Holdings, Solicitor Rickards, and from the members of the public that wished to speak. I will now entertain a motion for Berlin Borough Resolution No. 09292017-01 which reads as follows:

A RESOLUTION OF THE BERLIN BOROUGH,
COUNTY OF SOMERSET, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17251
INTO BERLIN BOROUGH

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 Berlin Borough, 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 Custer Holdings, LLC, has requested the approval of Berlin Borough for the proposed transfer of Pennsylvania restaurant liquor license no. R-17251, from the Pennsylvania Liquor Control Board by way of Public Auction to Custer Holdings, LLC, for restaurant facilities within Berlin Borough to be located at 404 Broadway

Street, Berlin Borough, Somerset County, Pennsylvania 15530 with the understanding that the liquor license will be transferred to only that location. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that Berlin Borough 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 Berlin Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-17251 into Berlin Borough by Custer Holdings, LLC, and

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

Motion by Tom Fisher and seconded by Eric Glotfelty to approve Berlin Borough Council Resolution No. 09292017-01, A RESOLUTION OF THE BERLIN BOROUGH, COUNTY OF SOMERSET, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17251, INTO BERLIN BOROUGH.

ROLL CALL VOTE:

No : Barb Zerfoss

Yes: Tom Fisher

No: John Harding, Jr.

No: Charles Rhodes

No: Roger Clarke

Abstained: Brett Custer

Yes: Eric Glotfelty

Ayes: 2

Nay: 4

Abstention: 1

Motion Failed – the Resolution did not pass.

Motion by John Harding and seconded by Barb Zerfoss to adjourn this Meeting of the Berlin Borough Council at 6:27 P.M.

Aye: 7

Nay: 0

Motion Passed

Note: The next regular meeting of the Berlin Borough Council is scheduled for Thursday, October 5th, 2017, beginning at 7:00 p.m., at the Berlin Borough Council Conference/Meeting Room, 700 North Street, Berlin, Pennsylvania.



Thomas D. Jones
Executive Borough Secretary
September 29, 2017



NON-SPEAKERS

Guest Registry

Berlin Borough Special Council Meeting

September 29, 2017 – 5:00 P.M.

Please print

Name	Address	Telephone	Email
Len Perrin		814 279-1164	
Sue Walker		233-1080	
Greg Walker		233-7419	
DEMS NEUAD		267 4496	
Zelma Bittner		267-3828	
Eric Kieta	Daily American		
CURT GLOFFEN			
LYNN CUSTER			
CAROL CUSTER			
Dwight Smith			

If you would like to address the Council, please enter your name and the subject that you wish to discuss here:



Thank You for attending the Berlin Borough Council Meeting.

Your input is both welcomed and appreciated.

NON-SPEAKERS

Guest Registry

Berlin Borough Special Council Meeting

September 29, 2017 – 5:00 P.M.

Please print

Name	Address	Telephone	Email
William Kroon			
Mrs. Caton			
Shirley Miller	607 Meadow St		
Stephen Wyster	1129 Main		
Suzan Guetheraw	602 Diamond St		
Brian Guetheraw	202 Diamond St		
LARRY GARDNER	401 NORTH ST		
Tom Wall	215 NORTH ST		
Linda McClinton	204 North St		

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NON-SPEAKERS

Guest Registry

Berlin Borough Special Council Meeting

September 29, 2017 – 5:00 P.M.

Please print

Name	Address	Telephone	Email
Nancy Clotfelty			
Kathy Trimmer			
Mike & Melissa Latig			
BARRY OALINE			
JoAnne Smith			
JEANNE JOHANSON			
MIKE FOGLE			

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SPEAKERS ONLY

Guest Registry

Berlin Borough Special Council Meeting

September 29, 2017 – 5:00 P.M.

Please print

Name	Address	Telephone	Email
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✓ Jennie Okler	903 E. Mann St		
Hammy Werner	1414 Mann St		

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Thank You for attending the Berlin Borough Council Meeting.

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SPEAKERS ONLY

Guest Registry

Berlin Borough Special Council Meeting

September 29, 2017 – 5:00 P.M.

Please print

<u>Name</u>	<u>Address</u>	<u>Telephone</u>	<u>Email</u>
✓ Matt Walker	1004 Braderick St	267-5384	
✓ Wanda Thomas	613 10 th Ave	412-979-8600	
✓ Tom Smith	531 Stewart St.	412-6666	
Brian Dougherty	602 Diamond	267-4639	
Suzan Dougherty	602 Di		
✓ Thomas Jones	Owens St.		
✓ Don Peltz	313 main	717-919-2973	

If you would like to address the Council, please enter your name and the subject that you wish to discuss here:



Thank You for attending the Berlin Borough Council Meeting.

Your input is both welcomed and appreciated.



Gregory A. Szallar, Esquire
Direct Dial: 412-535-5114
E-mail Address: gregs@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. New New

September 6, 2017

Via Email & Regular Mail

Tom Jones
Berlin Borough Executive Secretary
Berlin Borough
700 North Street
Berlin, PA 15530

Re: Request by Custer Holdings, LLC, for Approval of Inter-Municipal Transfer of Restaurant Liquor License

Dear Mr. Jones:

I represent and am writing on behalf of Custer Holdings, LLC, ("Custer Holdings"). As you are aware Custer Holdings has a store/restaurant located at 404 Broadway Street, in Berlin Borough. Custer Holdings is planning a remodel of this store. Following the remodel the store will have a restaurant area with seating for 30 and that features a variety of fresh made to order foods. Accordingly this store will qualify for a restaurant liquor license pursuant to the Pennsylvania Liquor Code. Custer Holdings would like to sell beer for on premises consumption and to go, and wine to go at this location.

In order to open and operate its new restaurant in Berlin Borough, Custer Holdings must secure a restaurant liquor license. Custer Holdings was the successful bidder for a Somerset County restaurant liquor license that was part of a public auction of liquor licenses conducted by the Pennsylvania Liquor Control Board in July 2017. Custer Holdings plans to move the license into Berlin Borough, with the approval of the Borough, pursuant to the inter-municipal transfer provisions of the Liquor Code (47 P.S. 461).

Custer Holdings hereby requests that, pursuant to 47 P.S. 461, Berlin Borough schedule a hearing, as required by the Liquor Code, on the issuance of a resolution approving the transfer by Custer Holdings of a restaurant liquor license from outside the Borough to within it.

Pursuant to the Liquor Code, the purpose of the hearing is to allow Custer Holdings to describe its proposed business and to allow the residents of Berlin Borough to voice their opinions on the proposed inter-municipal transfer by Custer Holdings. Berlin Borough, pursuant to 47 P.S. 461, must approve or deny the requested transfer, by way of a resolution or ordinance, within 45 days of this request.

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September 6, 2017
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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 Pennsylvania Liquor Control Board requires that a resolution approving an inter-municipal transfer include the name of the applicant (here, "Custer Holdings, LLC"), the address to which the license is being transferred (here, "404 Broadway Street, Berlin Borough, Somerset County, Pennsylvania, 15530"), the liquor license number (here, "R-17251"), the name and address of the seller of the license (here, "Pennsylvania Liquor Control Board by way of Public Auction") and must state that a public hearing was held.

Effective July 1, 2006, the Liquor Code (47 P.S. §102) was amended to require 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 the Custer Holdings' restaurant and answer any questions that the Borough Council, the solicitor or residents might have.

Custer Holdings asks that a public hearing on its request for an inter-municipal transfer be held as soon as possible. Please advise me when such a hearing is scheduled.

In the event that you have any questions or need additional information, please call me.

Finally, Custer Holdings will reimburse Berlin Borough for any costs associated with this hearing.

Best regards,



GREGORY A. SZALLAR

Enclosure

BERLIN BOROUGH

RESOLUTION NO. _____

**A RESOLUTION OF THE BERLIN BOROUGH,
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APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17251
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NOW, THEREFORE, BE IT RESOLVED, that Custer Holdings, LLC, has requested the approval of Berlin Borough for the proposed transfer of Pennsylvania restaurant liquor license no. R-17251, from the Pennsylvania Liquor Control Board by way of Public Auction to Custer Holdings, LLC, for restaurant facilities within Berlin Borough to be located at 404 Broadway Street, Berlin Borough, Somerset County, Pennsylvania 15530 with the understanding that the liquor license will be transferred to only that location. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that Berlin Borough 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 Berlin Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-17251 into Berlin Borough by Custer Holdings, LLC, 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 _____, 2017, by the Berlin Borough, Somerset County, Pennsylvania, in lawful session duly assembled.

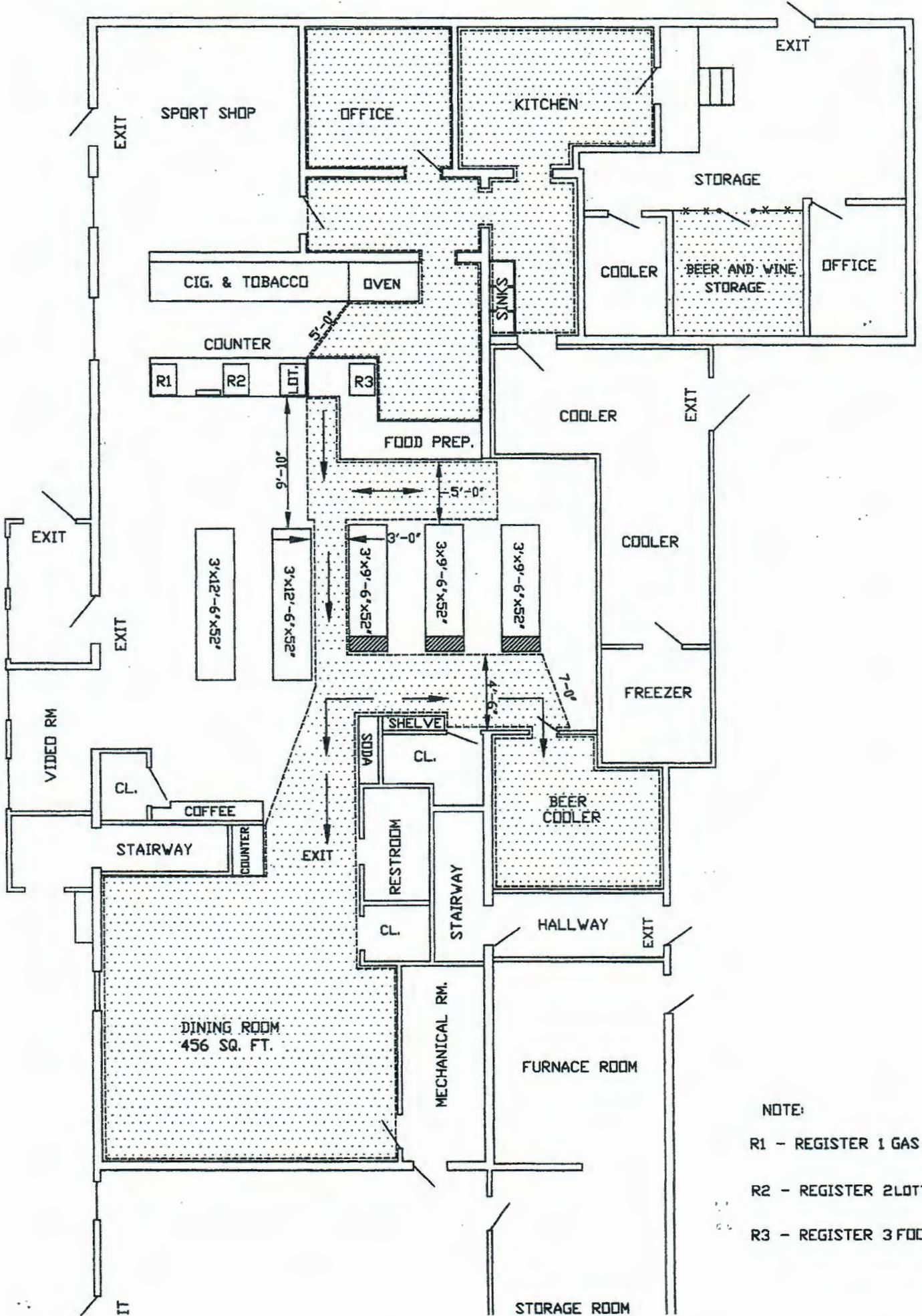
**BERLIN BOROUGH
MEMBERS OF COUNCIL:**

CUSTER HOLDINGS, LLC
Berlin Borough, Somerset County, PA
September 29, 2017

INTER-MUNICIPAL TRANSFER HEARING
EXHIBITS

1. Proposed Floor Plan

2. Menu



NOTE:
 R1 - REGISTER 1 GAS AND
 R2 - REGISTER 2 LOTTERY
 R3 - REGISTER 3 FOOD AND

SANDWICHES

Hamburger.....	\$1.99
Cheeseburger.....	\$2.49
Double Cheeseburger.....	\$4.49
Wild West Burger.....	\$3.69
Pizza Burger.....	\$2.99
Ham Lynn Special.....	\$4.69
Roast Beef Lynn Special.....	\$4.69
Pretzel Melt.....	\$3.99
Fish Filet with Cheese.....	\$4.29
Grilled Ham & Cheese.....	\$2.59
Grilled Cheese.....	\$1.99
Hot Dog.....	\$1.09

Extra Toppings:

Lettuce or Tomato.....	\$.25
American or Provolone Cheese.....	\$.30
Nacho Cheese.....	\$.50
Pizza Sauce On the Side.....	\$.50
Packets of Dressing or Dipping Sauce...	\$.50

SIDES

French Fries.....	Lg. \$2.29, Sm. \$1.79
Breaded Mushrooms.....	\$2.29
Cheese Sticks (3).....	\$2.59
Cheese Balls (12).....	\$2.59
Onion Rings.....	\$2.59
Mac n' Cheese Bites (6).....	\$2.59
Pizza Balls (6).....	\$2.59
Chicken Fingers (4).....	\$4.69
<i>Includes One Dipping Sauce</i>	
Chicken Finger (1).....	\$1.49
Dipping Sauce.....	\$.50

BREAKFAST

Biscuit, English Muffin, Croissant, Bagel or Pretzel Roll with Egg, Cheese & Meat.....	\$2.99
Biscuit.....	\$.89

LUNCH COMBOS

*Combos Served with Choice of One Side:
French Fries, Onion Rings, Cheese Balls, Pizza Balls,
Mushrooms or Mac n' Cheese Bites*

Pizza Burger Combo.....	\$5.29
Cheeseburger Combo.....	\$4.69

BEVERAGES

Small 16 oz.	Medium 20 oz.	Large 24 oz.
Pepsi, Diet Pepsi, Mt. Dew		
Root Beer, Dr. Pepper, Tea.....	\$1.39	\$1.49
Coffee.....	\$1.29	\$1.39
		\$1.49

Diamond

Mini Market

814-267-5827

&

Diamond Delight

FOOD & DRINK

MENU

Breakfast • Lunch • Dinner

410 BROADWAY STREET
BERLIN, PA 15530

814-267-5827

CHARLEY BIGGS' FRIED CHICKEN



BUCKETS

- 8 Piece..... \$10.99
- 12 Piece..... \$15.99
- 16 Piece..... \$19.99
- 21 Piece..... \$25.99
- *No Substitutions

INDIVIDUAL

- Breast..... \$2.29
- Thigh..... \$1.79
- Leg..... \$.99
- Wing..... \$.79

DINNERS

- 2 Piece (Thigh, Leg, 2 Potato Wedges & Slaw)..... \$3.99
- 2 Piece (Breast, Wing, 2 Potato Wedges & Slaw)..... \$4.29
- 3 Piece (Thigh, Wing, 3 Potato Wedges & Slaw)..... \$5.29
- 8 Piece (8 Pieces of Chicken with 8 Potato Wedges, Pint Slaw & 4 Biscuits)..... \$18.99
- 16 Piece (16 Pieces of Chicken with 16 Potato Wedges, Pint Slaw & 8 Biscuits)..... \$34.99
- *No Substitutions

SIDES

- Cole Slaw..... 1/2 Pound \$1.99, Pint \$2.99
- Potato Wedges..... \$.69 Each or 3 for \$1.49
- Potato Salad*..... Sm. \$1.79, Lg. \$2.79
- Macaroni Salad*..... Sm. \$1.79, Lg. \$2.79
- *Larger quantities made to order



PIZZA

- 12" Medium..... \$6.99
- 16" Large..... \$9.99
- 16" Town Square..... \$11.99
- Toppings..... \$1.00

SPECIALTY PIZZAS

- | | | |
|------------|---------|---------|
| | 12" | 16" |
| Taco..... | \$12.99 | \$16.99 |
| Ranch..... | \$12.99 | \$16.99 |
| White..... | \$12.99 | \$16.99 |



SALADS

- Garden Chef (Cheese, No Meat)..... \$4.99
- Ham Chef..... \$5.99
- Turkey Chef..... \$5.99
- Steak Salad..... \$6.49
- Grilled Chicken..... \$6.49
- Taco Salad..... \$6.49
- Add Fries to Any Salad..... \$.79

WEDGIES

- Ham or Roast Beef..... 12" \$10.95, 16" \$15.95

OVEN BAKED SUBS & WRAPS

HOT OR COLD SUBS

- | | | |
|-----------------------------|--------|--------|
| Italian..... | 6" | 12" |
| Cold Cut..... | \$3.99 | \$6.99 |
| Turkey..... | \$2.99 | \$5.99 |
| Roast Beef..... | \$3.99 | \$6.99 |
| Ham & Cheese..... | \$3.99 | \$7.99 |
| Pepperoni..... | \$3.39 | \$5.99 |
| Tuna Salad..... | \$3.29 | \$6.49 |
| Chicken Salad..... | \$3.29 | \$6.49 |
| Pizza Sub..... | \$3.49 | \$6.49 |
| Veggie Sub with Cheese..... | \$2.99 | \$4.99 |
| Turkey Bacon Club..... | \$3.99 | \$7.99 |
| Grilled Chicken..... | \$3.99 | \$7.99 |
| Philly Steak..... | \$3.99 | \$7.99 |
| Extra Meat..... | \$1.35 | \$2.35 |
| Extra Cheese..... | \$.75 | \$1.25 |
| Bacon..... | \$1.00 | \$2.00 |

Choice of American, Provolone, Pepper Jack, Swiss or Cheddar Cheese

Toppings: Lettuce, Tomato, Onion, Green Peppers, Black Olives, Pickles, Hot Peppers, Sweet Peppers, Mayonnaise, Mustard, Ketchup, Italian Dressing, Miracle Whip, Salt & Pepper



WRAPS

- Turkey..... \$5.99
- Turkey Bacon Club..... \$5.99
- Philly Steak..... \$5.99
- Grilled Chicken..... \$5.99
- Choice of White, Wheat, Spinach or Sundried Tomato Wrap

CUSTER HOLDINGS, LLC
Berlin Borough, Somerset County, PA
September 29, 2017

INTER-MUNICIPAL TRANSFER HEARING PRESENTATION

I. INTRODUCTION

I am here on behalf of **CUSTER HOLDINGS, LLC d/b/a DIAMOND MINI MARKET.**

A. FORMAL REQUEST

“I am here tonight to request that **Berlin Borough** approve a resolution permitting the inter-municipal transfer of a restaurant liquor license from outside of the borough to within it, pursuant to revised Liquor Code Title 47, Section 461(b3) to **CUSTER HOLDINGS** for use in the restaurant in its store located at **404 Broadway Street.**

II. LIQUOR CODE

Summary of Revised Section of Liquor Code:

As you know, the Liquor Code now permits the **PLCB** to approve the transfer of a license from any other municipality in **Somerset County** to within another municipality in **Somerset County** so long as you, the receiving municipality, issues a resolution approving the transfer.

The standard to be applied is that the **receiving municipality must approve the transfer unless it finds that doing so would adversely**

affect the health, welfare, peace and morals of the municipality. (40)

Pa. Code § 7.61 (b) (4) & 47 P.S. § 104(a).

III. We are here because of some monumental changes to the PA Liquor Code by way of Act 39 that went into effect on August 8th, 2016. First and perhaps foremost the legislature restated the purpose of the Liquor Code in Act 39. **“It is the purpose of this act to reform the system by which alcohol is dispensed and controlled within this Commonwealth to reflect changes in the market place while continuing to protect the welfare, health, peace and morals of the citizens ...” To “ Provide for the operation of a retail system that promotes competition and convenience ...”**

- 1) The first change had to do with what was known at the liquid fuels prohibition. Prior to August 8th the Liquor Code prohibited the sale of alcohol at the location, place or property where liquid fuels were sold. Although the PLCB interpreted that to mean that so long as you didn't pay for gas or store gas on the licensed premises they would approve the liquor license. This interpretation led to years of litigation. However, Act 39 rewrote the liquid fuels prohibition to reflect the PLCB's interpretation of the prior law. So as the law in Pennsylvania stands today, the PLCB will approve a liquor license to a location, place or property so long as gas sales do not take place on the license premises.
- 2) The second change to the Liquor Code under Act 39 is that now all restaurant licensees can apply for an Wine Expanded Permit (“WEP”) which permits the licensee to sell up to 4 - 750 milliliter bottles of wine to go.

III. **YOUR DECISION MAKING PROCESS**

A. In order for **YOU** to make a decision on our request let me first provide you with some background on **CUSTER HOLDINGS**:

B. **FIRST, WHO IS CUSTER HOLDINGS?**

1. **DESCRIPTION — HISTORY AND OPERATIONS:**

The Custer Family which consisted of Lynn and Carol Custer and their children Sheri and Brett opened the Diamond Mini Market in May of 1990. The convenience store offered gas, lottery, video rentals, and limited food service. In the late 90's the mini market expanded its food service by moving Diamond Delight Restaurant which opened in 1988 and which was also owned by the Custer Family to the Diamond Mini Mart location located at 404 Broadway Street. The move of the restaurant to the convenience store location allowed the Custer Family to sell and provide a wider variety of food for both on and off premises consumption, while combining the family's convenience store, gas station and restaurant business to the 404 Broadway Street location.

In 20____, Lynn and Carol Custer formed CUSTER HOLDINGS'S, LLC, a Pennsylvania limited liability company, to hold the family's real estate and business assets. As part of pre-planned family separation of business assets that took place back in 2016, 100% ownership of CUSTER HOLDINGS was transferred to BRETT CUSTER.

CUSTER HOLDINGS currently employs 12 people in its restaurant, convenience store and gas station operations located at 404 Broadway Street, 4 full-time and 8 part-time employees. It is anticipated that 3 to 5 additional

employees will be hired to handle CUSTER HOLDINGS's expanded restaurant operations once it obtains a liquor license for its existing restaurant operations.

In addition, to serving the residents of BERLIN BOROUGH and the residents of surrounding communities through its restaurant, convenience store and gas station business operations, as well as its other business ventures, CUSTER HOLDINGS has been and will continue to be a responsible community member through its charitable giving and support of local charitable organizations along with many of the local youth sports teams and school organizations.

WHY IS THIS IMPORTANT? IT'S IMPORTANT BECAUSE CUSTER HOLDINGS HAS A REPUTATION FOR EXCELLENCE. IT SIMPLY HAS TOO MUCH TO LOSE TO SERVE ALCOHOL IN A HAPHAZARD MANNER, AND WILL NOT DO ANYTHING TO JEOPARDIZE ITS REPUTATION OR TO PUT ITS BUSINESS ASSETS AT RISK BY MISMANAGING THE SALE AND SERVICE OF AN ADDITIONAL PRODUCT AT THIS LOCATION – NAMELY BEER AND WINE.

C. STORE

As you know CUSTER HOLDINGS currently operates a restaurant/convenience store/gas station here in BERLIN BOROUGH located at 404 Broadway Street. The store/restaurant as being redesigned will encompass a total of 1,750 square feet which will included an expanded indoor dining area with seating for approximately 32 to 40 patrons.

As part of its plans CUSTER HOLDINGS would like to be able to sell beer and wine to go and to a much lesser extent beer for on-premises consumption.

A. The PLCB has been approving the interior connection between licensed premises and other business for more than 50 years. (Reg. 3.52(b) permits it to do so). On December 3, 2010 the State Supreme Ct., in unanimous decision, upheld the PLCB's approval of liquor licenses for grocery/convenience store based restaurants that have an interior connection to the grocery/convenience store.

***** What we are requesting is nothing new or unusual, over the past 10 years the PLCB has approved liquor licenses for approximately 450 grocery store and convenience store restaurants.**

2. First, aside from the vast variety of food items available to customers under CUSTER HOLDINGS made to order menu or from its pre-made grab and go items, all of which are available 24 hours a day 7 days a week, the restaurant as designed qualifies for a restaurant liquor license under the Liquor Code. Pursuant to the Liquor Code you need a minimum of 400 square feet, seating for 30 and food to be able to server 30 people at one time in order to qualify for and hold a restaurant liquor license.

All beer on the premises will be located in either the walk-in cooler or on the shelving and floor displays that will be located on the licensed restaurant premises. CUSTER HOLDINGS will carry approximately 100 different kinds of beer including all of the national brands and many craft beers in either single serving, six packs, mix and match six packs and twelve packs, as well as several varieties of wine.. All beer and wine must be paid for at the designated cash register for such sales located in the licensed area. All

on premises beer consumption will be exclusively limited to the indoor restaurant seating area.

Although the restaurant will be open from **4:00 am until 12:00 am** beer sales are limited to **7 am** until the beer cooler is locked at **12:00 am** Monday through Saturday, Sunday beer sales will start at **9 am**. Wine sales will start at 7:00 am Monday through Saturday and at 9:00 am on Sunday and all wine sales will stop at **11 pm** every day of the week. It is anticipated that beer and wine sales will comprise approximately 8% to 10% of CUSTER HOLDINGS total sales, with approximately less than 1% of beer sales being for on premises consumption. Although CUSTER HOLDINGS has the right under its restaurant liquor license to sell spirits and wine for on premises consumption CUSTER HOLDING has no plans to do so.

CUSTER HOLDINGS will have a comprehensive responsible alcohol management program in place.

- **First**, all CUSTER HOLDING's restaurant employees will receive the Bureau of Liquor Control Enforcement created RAMP training. (Recognizing fake ids, recognizing VIPs, watching for pass offs) and the restaurant itself will become RAMP certified. (REQUIRED with the Wine Expanded Permit).
- **Second**, CUSTER HOLDING's will use a 100% carding policy and use a card scanner to identify fake or underage ids. (talk about pass % for 100 % carding)
- **BRETT CUSTER**, the owner of CUSTER HOLD who will serve as the PLCB approved licensed manager will receive both the BLCE's RAMP Owner/Manager Training as well as Seller/Serving Training.

- 2 BEER limit per person for on premises consumption. (Would prefer not to sell beer for on premises consumption, however are forced to do so by a state Supreme Court decision). 6 and 12 packs of beer and wine by the bottle will not be sold for on-premises consumption.
- Beer and wine sales to go and beer sales for on premises consumption will only be able to be rung up on the designated cash register located on the licensed restaurant premises. The registers located on the unlicensed convenience store premises will be locked out for both beer and wine sales as the SKUs for these products will not be available on those registers.
- The beer cooler located on the licensed premises will be locked during those hours that beer and wine sales are not permitted.
- The remote beer and wine storage area that will be located off the licensed restaurant premises will be located in an unlicensed area of the store, that will only accessible by CUSTER HOLDINGS employees and not members of the general public. This storage area will be locked at all times, other than when CUSTER HOLDING's restaurant employees are removing product from the storage area to stock both the beer and wine cooler, shelving units and floor displays.
- Regarding the 100% Carding Policy. According the Bureau of Liquor Control Enforcement, based on the information that the BLCE has seen over time, that establishments, such as CUSTER HOLDINGS, that implement a 100% carding policy and use an ID scanner for all transactions have a 99.9% rate of not serving a minor. While those establishments that only have a 100% carding policy, without the use of an ID scanner have a 67.7% rate of not serving a minor.

SECURITY

- In addition to employee training CUSTER HOLDINGS will have 40 security cameras in the restaurant and store area, with 30 cameras located inside the premises and another 10 cameras located outside the building. (Currently CUSTER HOLDINGS has 10 exterior cameras and 24 interior cameras).
- Including, 2 in the beer cooler and one specifically focused on the beer cooler door with multiple cameras inside that cover both the wine and beer display areas as well as 4 cameras in the expanded indoor dining area..
- Cameras will also be focused on all of the cash registers located in both the licensed and unlicensed areas of the premises.
- **CUSTER HOLDINGS** owners will be able to monitor all of these cameras from the premises or remotely.
- **CUSTER HOLDINGS** will be able to provide both the local and state police departments with video footage from both inside and outside the premises in the unlikely event that any criminal activity should take place in and/or around the property

This will not be a place where people hang out to drink, there will be no video games, pool tables or juke box, however a couple of TVs will be located in the indoor dining area.

It will however be **a well-lighted, non-smoking, safe and secure place where customers can purchase prepared food and a six pack of beer or bottle of wine to take home, or dine in and have a beer.**

V. **SUMMARY**

1. **CUSTER HOLDINGS** has been and will continue to be a responsible business owner that is making a significant investment in **Berlin Borough** that will be protected by responsible management and well trained employees
3. **CUSTER HOLDINGS has been and will continue to be** a well-respected employer.
4. **CUSTER HOLDINGS** is a well-respected community and business member.

VI. **CONCLUSION**

For all of these reasons, **WE would respectfully** request that **you** issue a resolution approving the inter-municipal transfer of a restaurant liquor license into **BERLIN BOROUGH** for use by **CUSTER HOLDINGS at its restaurant location located at 404 Broadway Street.**

F & O standard – **SUBSTANTIAL EVIDENCE OF A PARTICULARIZED CONCERN**

BERLIN BOROUGH

RESOLUTION NO. 09292017-01

A RESOLUTION OF THE BERLIN BOROUGH,
COUNTY OF SOMERSET, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17251
INTO BERLIN BOROUGH

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 Berlin Borough, 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 Custer Holdings, LLC, has requested the approval of Berlin Borough for the proposed transfer of Pennsylvania restaurant liquor license no. R-17251, from the Pennsylvania Liquor Control Board by way of Public Auction to Custer Holdings, LLC, for restaurant facilities within Berlin Borough to be located at 404 Broadway Street, Berlin Borough, Somerset County, Pennsylvania 15530 with the understanding that the liquor license will be transferred to only that location. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that Berlin Borough 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 Berlin Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-17251 into Berlin Borough by Custer Holdings, LLC, 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 29th day of September, 2017, by the Berlin Borough, Somerset County, Pennsylvania, in lawful session duly assembled.

**BERLIN BOROUGH
MEMBERS OF COUNCIL:**



August 29, 2017

TREAS BERLIN BORO
SOMERSET COUNTY
700 NORTH ST
BERLIN PA 15530

SEP 05 2017

RE: LID 89308
License No.
CUSTER HOLDINGS LLC
404 BROADWAY ST
BERLIN PA 15530
File/Job No. 233280
Brett Custer (814-442-0486)

Dear Sir/Madam:

Section 403(I) of the Liquor Code provides, that effective July 1, 1987, the Board inform your municipality of all applications filed for a new license, or transfer of license for premises not currently licensed, situated in your municipality. As such, this is to inform you of the receipt on August 25, 2017 of a new application for the above listed licensee.

Please visit our website at www.lcb.state.pa.us for further information. The license information can be searched for by clicking on PLCB+ under Licensing – Resources for Licensees and going to the link under the Search for Licenses title.

If you need assistance with PLCB+ please contact our help desk by email at ra-licensingmod@pa.gov or call our toll free number at 844-707-5475.

Sincerely,

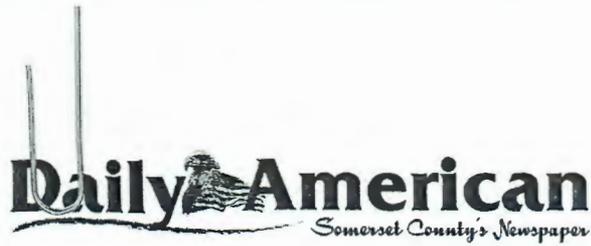
A handwritten signature in cursive script, appearing to read 'B.L. Peifer'.

B.L. Peifer, Director
Bureau of Licensing

Refer to: Licensing Information Center
717.783.8250

Include LID number on all correspondence to the Bureau of Licensing.

BLP: mg



Your ad

-Receipt-

Notice is hereby given that the Borough of Berlin will hold a special Borough Council meeting on September 29, 2017 at 5:00 p.m. at the Berlin Borough Community Room, 700 North Street, Berlin, PA 15530, to allow for public comments on a Council Resolution for approval of the inter-municipal transfer of a restaurant liquor license by Custer Holdings, LLC, 404 Broadway Street Berlin, PA 15530.

Date: 09/18/17 Account #: 112770 Company Name: BERLIN BORO Contact: Address: 700 N ST City: BERLIN State: PA Telephone: (814) 267-3837 Fax:	Publications: Daily American, DA Online
Ad ID: 327882 Run Dates: 09/09/17 to 09/16/17 Ad Class: Legal Notices Columns wide: 1 Total # of Lines: 14 Total Cost: \$89.75 Account Rep: Alyssa Goulding Phone #: (814) 444-5960 Email: agoulding@dailyamerican.com	

Payments:

Method	Card Type	Last 4 Digits	Check	Amount
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Please remit to:
 Daily American Payment
 Processing Center
 PO Box 418
 Hagerstown, MD 21741

Gross: \$89.75
Paid Amount: - \$0.00
Amount Due: \$89.75

SEP 21 2017