

RESOLUTION #9 OF 2021

A RESOLUTION OF THE CITY OF NANTICOKE COUNCIL, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF PLCB LICENSE No. R3070 INTO NANTICOKE CITY FROM EDWARDSVILLE, LUZERNE COUNTY, PENNSYLVANIA

WHEREAS, Act 141 of 2000, hereinafter the "Act", which amends the Commonwealth of Pennsylvania'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, as in City of Nanticoke, 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 a resolution approving the inter-municipal transfer of the liquor license from outside the receiving township to within its borders prior to submission of an application for such transfer to the Pennsylvania Liquor Control Board; and

WHEREAS, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one (1) Hearing be held for the purpose of permitting interested parties to state their concerns regarding the transfer of the 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 the liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED that, Cocoa Hut 103, Inc. has properly requested the approval of the City of Nanticoke Council, Luzerne County, Pennsylvania for the proposed transfer of Pennsylvania Liquor License Number R3070 by Cocoa Hut 103, Inc. to facilities within City of Nanticoke to be located at 199 Middle Road, Nanticoke, Luzerne County, Pennsylvania from Costello's Italian Restaurant, Inc. located at 67 South Wyoming Avenue, Edwardsville, Luzerne County, Pennsylvania; and

BE IT FURTHER RESOLVED that, the City of Nanticoke Council, Luzerne County, Pennsylvania has held a Public Hearing to receive comments on the proposed liquor license transfer and, after consideration of the issues, finds that the transfer of Pennsylvania Liquor License R3070 into City of Nanticoke by Cocoa Hut 103, Inc. will result in job creation and revenue enhancement for the residents of City of Nanticoke, all of which will substantially benefit the local economy and residents; and

BE IT FURTHER RESOLVED that, the City of Nanticoke Council, approves, by adoption of and for the reason stated in this Resolution, the proposed transfer of Pennsylvania Liquor License No. R3070 into City of Nanticoke by Cocoa Hut 103, Inc.; and

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

BE IT FURTHER RESOLVED that, this approval is conditioned upon final approval of the transfer application of Cocoa Hut 103, Inc. by the Pennsylvania Liquor Control Board.

I HEREBY CERTIFY that, this Resolution was adopted by the City of Nanticoke Council at its Public Meeting held on April 21, 2021.

ATTEST:

CITY OF NANTICOKE COUNCIL

Jennifer W. Polito, City Clerk

By: _____
WILLIAM BROWN
Council President