



**WEST DEER
TOWNSHIP
SUPERVISORS
PUBLIC HEARING**

October 17, 2021

6:30 p.m.

**INTER-MUNICIPAL TRANSFER OF
RESTAURANT LIQUOR LICENSE
TOMASINO'S RESTAURANT & LA VITA**

PUBLIC HEARING – TO CONSIDER INTER-MUNICIPAL
TRANSFER OF RESTAURANT LIQUOR LICENSE:

- OPEN PUBLIC HEARING
- ROLL CALL
- COURT REPORTER PRESENT
- PUBLIC HEARING ADVERTISED

PURSUANT TO SECTION 461 OF THE PENNSYLVANIA LIQUOR CODE, THE BOARD OF SUPERVISORS OF WEST DEER TOWNSHIP WILL HOLD THIS HEARING TO TAKE PUBLIC COMMENTS ON THE PROPOSED INTER-MUNICIPAL TRANSFER OF A RESTAURANT LIQUOR LICENSE FROM INDIANA TOWNSHIP TO LA VITA, 940 - 942 LITTLE DEER CREEK VALLEY ROAD, RUSSELLTON, PA, WEST DEER TOWNSHIP, TO VOTE ON THE PROPOSED RESTAURANT LIQUOR LICENSE TRANSFER, AND TO HEAR ALL OTHER LAWFUL MATTERS WHICH MAY COME BEFORE THE BOARD.

RESOLUTION NO. 2021-28 (ATTACHED)

A RESOLUTION OF WEST DEER TOWNSHIP, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-5579 INTO WEST DEER TOWNSHIP FROM INDIANA TOWNSHIP.

AT THIS POINT, WE WILL OPEN THE FLOOR TO PUBLIC COMMENT. ALL THOSE WHO ARE INTERESTED IN SPEAKING THIS EVENING, PLEASE RISE TO BE SWORN IN.....

- IS THE APPLICANT OR A REPRESENTATIVE PRESENT FOR COMMENTS.....PLEASE COME FORWARD AND STATE YOUR NAME...

- PUBLIC COMMENTS.....

WHAT ACTION DOES THE BOARD WISH TO TAKE.

I MOVE TO **ADOPT/DENY** RESOLUTION NO. 2021-28 WHICH IS THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-5579 INTO WEST DEER TOWNSHIP FROM INDIANA TOWNSHIP.

MOTION SECOND AYES NAYES

DR. MANN	___	___	___	___
MR. FORBES	___	___	___	___
MRS. HOLLIBAUGH	___	___	___	___
MRS. JORDAN	___	___	___	___
MR. KARPUIZI	___	___	___	___

ADJOURN PUBLIC HEARING:

I MOVE TO ADJOURN THE PUBLIC HEARING AT _____ P.M.

MOTION SECOND AYES NAYES

MR. FORBES	___	___	___	___
MRS. HOLLIBAUGH	___	___	___	___
MRS. JORDAN	___	___	___	___
DR. MANN	___	___	___	___
MR. KARPUIZI	___	___	___	___

**TOWNSHIP OF WEST DEER
RESOLUTION NO. 2021-28**

**A RESOLUTION OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT
LIQUOR LICENSE R-5579 FROM 260 LITTLE DEER CREEK ROAD VALLEY ROAD
(INDIANA TOWNSHIP) TO 942 LITTLE DEER CREEK VALLEY ROAD WITHIN WEST DEER
TOWNSHIP**

WHEREAS, the Pennsylvania 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 where the receiving municipality issues a resolution approving the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, prior to adoption of a resolution by the receiving municipality, at least one hearing must be held for the purpose of permitting interested parties to state their concerns regarding the transfer of a Restaurant Liquor License into the 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 receiving municipality; and

WHEREAS, EDL Foods, LLC, has requested the approval from the Board of Supervisors of West Deer Township for the proposed transfer of Pennsylvania Restaurant Liquor License R-5579, currently owned by M.A.L.T.D., Inc., to its facilities within West Deer Township at 940-942 Little Deer Creek Valley Road, Russellton, Pennsylvania 15076, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of West Deer Township, following a public hearing held pursuant to public notice, finds that the transfer of a Restaurant Liquor License into West Deer Township by EDL Foods, LLC, will not adversely affect the welfare, health, peace and morals of the Township or its residents; and

BE IT FURTHER RESOLVED, that the West Deer Township Board of Supervisors approves, by adoption of this Resolution, the proposed inter-municipal liquor license transfer requested by EDL Foods, LLC, from 260 Little Deer Creek Road, Cheswick, PA 15024 to 942 Little Deer Creek Valley Road, Russellton, PA 15076; and

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BE IT FURTHER RESOLVED, that this license transfer is subject to approval by the Pennsylvania Liquor Control Board.

I HEREBY CERTIFY that this Resolution was adopted by West Deer Township at its public meeting held on the 17th day of November 2021.

ATTEST:

WEST DEER TOWNSHIP

Township Manager

Chairperson of the Board of Supervisors

CAPUTO LAW OFFICE

204 Fifth Avenue
Buhl Building, 5th Floor
Pittsburgh, PA 15222
info@caputolawoffice.com

August 31, 2021

VIA EMAIL: dmator@westdeertownship.com

West Deer Township Municipal Building
109 East Union Road
Cheswick, PA 15024
ATTENTION: Daniel Mator, Township Manager

RE: EDL FOODS, LLC, a Pennsylvania limited liability
company
Request for Inter-Municipal transfer of
PLCB license: R-5579

Dear Mr. Mator:

We represent EDL Foods, LLC, a Pennsylvania limited liability company, who is seeking an inter-municipal transfer of Restaurant Liquor License R-5579 from Indiana Township to their proposed restaurant location at 942 Little Deer Creek Valley Road, Suite 400, within West Deer Township. The license is owned by M.A.L.T.D, Inc., 260 Little Deer Creek Road, Cheswick, PA 15024.

Pursuant to Section 461(b.3) of the Pennsylvania Liquor Code, we must first get the approval of West Deer Township before filing an application with the Pennsylvania Liquor Control Board ("PLCB") to transfer the liquor license from Indiana Township to West Deer Township. The Liquor Code requires us to request a hearing before the governing body of West Deer Township for the purpose of taking public comments on the proposed transfer.

In accordance with the above referenced section of the Liquor Code, notice of the requested hearing must be published once each week for two weeks prior to the hearing in a newspaper of general circulation. Further, the first notice cannot be more than thirty days and the second notice cannot be less than seven days from the hearing date.

Accordingly, we are respectfully requesting a hearing before the governing body of West Deer for approval of the transfer of Pennsylvania Restaurant Liquor License No. R-5579 from 260 Little Deer Creek Road, Cheswick, PA 15024 to 942 Little Deer Creek Valley Road, Suite 400, Russellton, PA 15076.

I would appreciate if you would schedule the public hearing as soon as possible, as my client is anxious to obtain approval from the PLCB of the license transfer. The process of transferring a liquor license with the PLCB takes approximately 8 to 12 weeks and the

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Resolution from the receiving municipality approving the transfer is required to be attached to the application for transfer.

If you need any additional information, applications or filing fees, please contact me at (412) 325-8194 and I will see that you receive an immediate response.

Very truly yours,

/s/ Holly L. Guna

Holly L. Guna

Enclosure

cc: Gavin A. Robb, Esq. (via email at grobbs@tuckerlaw.com)

cc: EDL Foods, LLC