

RESOLUTION

NO. 11 of 2020

**A RESOLUTION OF THE BOROUGH OF CLARKS SUMMIT,
COUNTY OF LACKAWANNA, COMMONWEALTH OF PENNSYLVANIA,
APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-10506 (LID
69510), FROM SOUTH ABINGTON TOWNSHIP, PA
TO THE BOROUGH OF CLARKS SUMMIT, PA**

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

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, SUMMIT CITY MARKET LLC has requested the approval of the Council of the Borough of Clarks Summit for the proposed transfer of Pennsylvania Liquor License No. R-10506 to its facility at 200 North State Street within the Borough of Clarks Summit 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 Council of the Borough of Clarks Summit 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 a Liquor License into the Borough of Clarks Summit will result in job creation, revenue enhancement and dining accommodations for the residents of the Borough of Clarks Summit, all of which will substantially benefit the local economy and residents, and will not adversely affect the welfare, health, peace and morals of the municipality or its residents; and


BE IT FURTHER RESOLVED, that the Borough of Clarks Summit approves, by adoption of this Resolution, the proposed transfer Liquor License No. R-10506, into the Borough of Clarks Summit to be located at 200 North State Street, Clarks Summit, PA subject to the condition that Liquor License No. R-10506, transferred hereunder shall be subject to a re-hearing before the Borough Council for: (i) any change of use related to the business operated in connection with such license; (ii) any transfer within the Borough to another location within the Borough including, but not limited to, another building or premises; and that it will not submit an application to transfer the license to a new location within the Borough, unless it is accompanied by written approval of such request from the Clarks Summit Borough Council; (iii) it shall not

permit any nude dancing or "lewd, immoral or improper entertainment" as that term is defined under section 7329(c) of the Crimes Code 18 Pa.C.S.A. § 7329. The Applicant to the extent allowed by the Pennsylvania Liquor Control Board (PLCB) shall enter into agreement(s) and/or alternatively conditions of approval with the PLCB reflective of the aforesaid subject to nonrenewal or as otherwise required and/or permitted by PLCB including but not limited to conditions of approval/renewal/transfer.

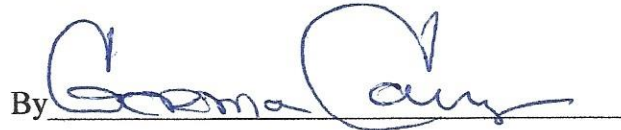
NOW THEREFORE BE IT FURTHER RESOLVED, that the license transfer is subject to approval by the Pennsylvania Liquor Control Board.

IT IS HEREBY ACKNOWLEDGED THAT THIS RESOLUTION was adopted by a formal action at a regularly scheduled meeting on the 1st of July, 2020.

ATTEST:


Name: Virginia Kehoe
Title: Borough Manager/Secretary

THE BOROUGH OF CLARKS SUMMIT

By 
Name: Germaine Carey
Title: Council President