

**MINUTES
HAZLETON CITY COUNCIL
LIQUOR LICENSE TRANSFER HEARING
NOVEMBER 10, 2020**

Council met via ZOOM Teleconferencing regarding the transfer of a liquor license on Tuesday, November 10, 2020. Mr. Perry called the meeting to order at 5:34 pm.

Council President James Perry, Council Vice President Anthony Colombo, and Council Members Allison Barletta, Lauren Sacco, and Jack Mundie were present. Also present were Mayor Jeff Cusat, Atty. Sean Logsdon, and Attorney Edward McNelis representing the law firm of Edward P. McNelis on behalf of the Applicant.

Perry stated all council members are in attendance and he opens this public hearing at 5:34 p.m. concerning the proposed transfer of Liquor License #R-17804 from Hanover Township to Hazleton City. These proceedings are being transcribed by a court reporter, so only one person should be speaking at a time, keep all communication verbal, and try to keep your voice clear and legible.

Perry said let us review some preliminary matters and asked the applicant and his counsel to please identify themselves and give their addresses. Atty. Edward McNelis, 19 East Broad Street, Hazleton, PA 18201. Atty. McNelis stated his client, Alex Deritis, is here on behalf of his corporate entity AJD78 LLC. Mr. Deritis stated his address is 169 Angela Drive, Church View Estates, Hazle Township, PA.

Perry stated Section 461 of the PA Liquor Code authorizes the Liquor Control Board to approve the transfer of liquor licenses across municipal boundaries within the same county for the purpose of economic development. Perry said Subsection b.3 of Section 461 requires that an intermunicipal transfer must first be approved by the governing body of the receiving municipality. He said, "this is why we are here tonight". Perry stated Subsection b.3 also requires that Hazleton City as the receiving municipality issuing a resolution approving or disapproving the intermunicipal transfer. Also, Subsection b.3 mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within Hazleton City concerning the intent to transfer the license into Hazleton. He stated on October 22, 2020, AJD78 LLC's request for the proposed intermunicipal transfer was received by City Council. He said he will first open the matter up to the applicant to present its request to council. He will then allow any council member or City officials the opportunity to ask any questions they have. Perry said, after that, he will open the matter up for comments and recommendations from interested individuals residing within Hazleton City. In addition to any information the applicant wished to provide council, he would specifically like the applicant to also address the following: (1.) Applicants proposed business activity, whether it be a bar, restaurant, lounge, or the like, (2.) What zoning district is the property located and whether the proposed use is a permitted use at this location.

Perry said Council will consider the request and may vote on the same during its regular meeting following this hearing. The standard Council will apply in deciding this request for transfer is whether the proposed intermunicipal transfer will adversely affect the welfare, health, and peace and morals of this City or the residents. Perry stated, with this, he will turn it over to the applicant.

Atty. McNelis stated he represents AJD78, LLC, and the representative, Alex Deritis. McNelis stated Mr. Deritis already identified himself and where he currently resides. McNelis said he will take Mr. Deritis through a series of questions. Atty. McNelis asked Mr. Deritis if he formed the corporation that was identified as AJD78, LLC. Mr. Deritis said correct. Atty. McNelis asked if this is a limited liability and sole member limited liability corporation. Mr. Deritis said correct. Atty. McNelis asked if the LLC entered into an agreement with a liquor licensee by the name Hanover Beverage, LLC. Mr. Deritis said correct. Atty. McNelis said if approved by the City of Hazleton and the PA Liquor Control Board, the purpose is to have an intermunicipal transfer, of the licensee's license, to Deritis and opened in Hazleton. Atty. McNelis

asked what is the address where the license will apply. Mr. Deritis stated the address is 520 West 21st Street, Hazleton, PA. Atty. McNelis said the agreement, with Hanover Beverage, is contingent upon receiving approval from the City of Hazleton as well as the PLCB. Mr. Deritis said correct. Atty. McNelis asked what this location, mentioned by Deritis, has now. Mr. Deritis stated a restaurant and bar. Atty. McNelis asked what the name of the restaurant/bar is. Mr. Deritis said the name is Fireside Lounge. Atty. McNelis said it is not a bar yet. Mr. Deritis stated it is a restaurant. Atty. McNelis said it has a physical bar but does not operate as a liquor licensee currently. Atty. McNelis asked Deritis if he is the owner of this building. Mr. Deritis said no. Atty. McNelis asked if Deritis has a lease agreement, with the owner, of the building. Mr. Deritis said yes. Atty. McNelis stated his records indicate the owner of that building is NEPA Holdings, Inc. Mr. Deritis said this is correct. Atty. McNelis said it is, currently, operating as a restaurant. Atty. McNelis asked what kind of food he serves there. Mr. Deritis stated salads, soups, and sandwiches. Atty. McNelis asked what the current hours of operation are. Mr. Deritis said 4:00 p.m.- 8:00 p.m. on weekdays, and 4:00 p.m.- 10:00 p.m. on weekends. Atty. McNelis said if this liquor license were to be approved, by the appropriate parties, would the time of operation change. Mr. Deritis stated no. Atty. McNelis asked Deritis if he plans to operate a night club-type of a restaurant. Mr. Deritis said not. Atty. McNelis asked if this would be referred to as a "beer-drinking place or a hangout". Mr. Deritis said no. Atty. McNelis asked what the purpose of people, coming into his place, would be. Mr. Deritis said to eat and go home. Atty. McNelis asked Deritis if he planned on opening for lunch. Deritis said no. Atty. McNelis asked him if he planned to open for lunch in the future. Mr. Deritis said "down the road" he may open for lunch. Atty. McNelis asked if Deritis understands the requirements, by the Liquor Control Board, for operation of a liquor license. Mr. Deritis said yes. Atty. McNelis asked Deritis if he plans on complying with these requirements. Mr. Deritis said yes. Atty. McNelis asked Deritis if he is familiar with the program called RAMP. Mr. Deritis said yes. Atty. McNelis asked Deritis what his understanding of this is. Mr. Deritis stated everyone must get certified and the manager needs to get certification through RAMP. Atty. McNelis asked if this program is offered and required by the PA Liquor Control Board. Mr. Deritis said yes.

Atty. McNelis stated they will talk about the physical qualities of the restaurant and surrounding area. Atty. McNelis asked if there is parking provided. Mr. Deritis stated yes. Atty. McNelis asked if someone was standing, in front of his building, and looking to the "right and the left" what would they see. Mr. Deritis stated a parking lot to the left, and a parking lot to the right. Atty. McNelis asked for the parking lot, to the left, how many parking spaces are provided. Mr. Deritis stated, "about eight". Atty. McNelis asked about the parking lot to the right. Mr. Deritis stated, "about eight". Atty. McNelis asked if there is parking across the street. Mr. Deritis stated yes. Atty. McNelis asked how many people could be seated in his place. Mr. Deritis stated, "about sixty". Atty. McNelis asked if this restaurant has any outside music or seating. Mr. Deritis said no. Atty. McNelis asked if he had any music if this is inside the building. Mr. Deritis said yes. Atty. McNelis asked if he has any live bands. Mr. Deritis said no. Atty. McNelis said, with regards to lighting, and if it surrounds the building, to explain, what the lighting is like. Mr. Deritis stated on the left and right side of the building are LED spotlights that are on, and there are arc lights that shine in both parking lots on the left and right-hand sides. Atty. McNelis asked what is behind the building. Mr. Deritis stated a house. Atty. McNelis asked if there is something separating his property from the house. Mr. Deritis stated a six-foot fence. Atty. McNelis asked if there is any lighting "back there". Mr. Deritis said yes. Atty. McNelis asked when that lighting is operated. Mr. Deritis said during the hours they are open. Atty. McNelis asked if the lighting in the parking lot remains lit when they close at 10:00 p.m. Mr. Deritis said the lights are turned off. Atty. McNelis asked if the lighting, in the back, faces the neighbor's property. Mr. Deritis said no. Atty. McNelis asked if this remains on. Mr. Deritis said this gets turned off, as well. Atty. McNelis asked where the garbage is stored. Mr. Deritis stated the garbage is located, in the back, by the building. Atty. McNelis asked how the garbage is stored. Mr. Deritis stated in containers. Atty. McNelis asked how often the garbage is picked up. Mr. Deritis said three times a week. Atty. McNelis asked Mr. Deritis if he knows the history of this property. Mr. Deritis said it was built in 1954 as a bar/restaurant and continued until 1999 when two people occupied it, under the name of the Fireside Lounge, until recently he purchased the property without a liquor license. Atty. McNelis asked if this has been a licensed establishment going back decades. He asked what is on the other side of the street. Mr. Deritis said if looking "straight across", there is a strip mall which is Groceries Plus strip mall and to the right is a bank. Atty. McNelis asked if he knows the zoning. Mr. Deritis stated it is, may be, residential, and commercial. Atty. McNelis said it, may be, a combination, but they are not

certain. He said it fits because this facility has been there, "forever and ever", and may be "grandfathered in" for non-conforming use. Atty. McNelis said these are the extent, of the questions, he wanted to ask.

Mundie asked if the neighbors have been complaining since he opened. Mr. Deritis said no. Mundie asked if they are okay with him and the liquor license. Mr. Deritis said yes. Mundie asked who they sold the liquor license to. Mr. Deritis said they sold the license to the Valley Country Club. Perry stated he remembers the place and was there many times. Mundie asked if he leases the building to other people. Mr. Deritis said yes. Mundie asked Mr. Deritis if "Bunny" was his uncle. Mr. Deritis said yes.

Perry wished Mr. Deritis, "good luck". He stated the City needs more businesses. Perry asked how long he is operating. Mr. Deritis stated two months.

Colombo asked what the address is. Mr. Deritis stated 520 West 21st Street, Hazleton.

Perry asked Mayor Cusat if he or any other City official has any questions. Mayor Cusat said he is good. He said he knows the property, the family, and the business.

Perry said he will open the hearing to interested individuals residing within Hazleton City for comments or recommendations. There were no responses.

Perry asked if there is anything else from Council, mayor or any other City Official.

Sacco wished Deiritis, "best of luck to him".

Mundie asked what the seating restrictions are, currently, with the coronavirus. Mr. Deritis stated thirty. Mundie asked if he would keep using the bar for people to eat at. Mr. Deritis said yes. Mundie said it is a nice place and nostalgic.

Perry stated he will give the last word to the applicant and his counsel.

Atty. McNelis thanked city council for having this hearing and setting it up. He said Alex and his family are well-known in the community and will run a top-notch operation. He said it will not be a "beer-drinking" place. He said it will be a place for families to have something to eat, have a drink, and then "go home". Atty. McNelis said the patrons will be quiet and not "unruly". He said it will be a plus to the City and the commercial districts. He said he hopes city council approves this.

Perry said City Council will take the matter under consideration and may vote on the application at our meeting tonight at 6:00 p.m.

Perry adjourned the hearing at 5:50 p.m.