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October 13, 2020

VIA E-MAIL (bwebb@westgoshen.org) – ORIGINAL TO FOLLOW

West Goshen Township
c/o William Webb, Zoning Officer
1025 Paoli Pike
West Chester, PA 19380

RE: Request for Intermunicipal Transfer of Liquor License
K T M Supermarkets, Inc. t/a ShopRite of West Chester
Proposed Location: 1115 West Chester Pike, West Chester, PA

Dear Honorable Members of the Board of Supervisors:

Please consider this correspondence as my client's request for an intermunicipal transfer of liquor license into West Goshen Township (the "Township") at the above Proposed Location, pursuant to 47 P.S. § 4-461(b.3). Under this statute, please note that a public hearing must be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality relative to my client's application. Pursuant to the Liquor Code, notice of the 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. The first publication shall not be more than thirty (30) days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

In addition, the Board must render a decision within 45 days of the request. In my experience, the hearings have been conducted at a legislative forum to ascertain whether moving the license into the Township at a particular location would adversely affect the welfare, health, peace and morals of the Township. Typically, the hearings have not been specially listed at their own times but have been specially listed agenda items during meetings of regular Township business. Further, the hearings have been conducted as the first order of business. It would be greatly appreciated if this matter could be added to the Township Board of Supervisors' November 17, 2020 agenda in order for our client and the Township to meet their legal requirements.

West Goshen Township Board of Supervisors
ATTENTION: William Webb, Zoning Officer
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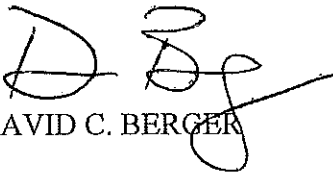
Additionally, I welcome Township Commissioners to review zoning records in this regard. My client does not intend to materially alter its business and is simply adding the additional convenience of beer and, potentially, wine sales. Should you have any questions, concerns, or would like a summary of my client's proposal (which we intend to present at the hearing with plans), please do not hesitate to contact me. Lastly, attached is a copy of the proposed Resolution approving the transfer.

Please advise on the costs of the application at your earliest convenience and we will promptly attend to payment of the same.

By copy of this correspondence, we are providing notice of our proposed intermunicipal transfer of liquor license to the firm of Buckley Brion McGuire & Morris LLP, the Township's Solicitor.

Thank you for your time and consideration.

Respectfully,



DAVID C. BERGER

DCB:rds
Enclosure

cc: Buckley Brion McGuire & Morris LLP (w/encl.)

**WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
RESOLUTION NO. 15-2020**

**A RESOLUTION APPROVING THE REQUEST OF
K T M SUPERMARKETS, INC. t/a SHOPRITE OF WEST CHESTER
TO TRANSFER LIQUOR LICENSE**

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter, "Code") authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter, "PLCB") to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant and eating place retail dispenser licenses without regard to quota restrictions for the purpose of economic development; and

WHEREAS, Subsection (b.3) of Section 461 requires that an intermunicipal transfer or issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

WHEREAS, that subsection also requires that a receiving municipality issue a resolution approving or disapproving the intermunicipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

WHEREAS, that subsection 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 the receiving municipality concerning the intent to transfer the license into the municipality or the issuance of an economic development license; and

WHEREAS, K T M Supermarkets, Inc. t/a ShopRite of West Chester (hereinafter, "Applicant"), owns or is leasing property located at 1115 West Chester Pike, West Goshen Township, Chester County, PA; and

WHEREAS, on October 13, 2020, pursuant to Section 461, the Applicant filed a request for approval by the West Goshen Township Board of Supervisors (hereinafter, "Board of Supervisors") of a proposed intermunicipal transfer of Restaurant Liquor License No. R-15877 (the "Liquor License"); and

WHEREAS, on November 17, 2020, in accordance with Section 461(b.3), the Board of Supervisors held a public hearing on the proposed Liquor License transfer; and

WHEREAS, the purpose of this Resolution is to comply with Code Section 461(b.3).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of West Goshen Township, Chester County, Pennsylvania as follows:

1. Applicant seeks approval of an intermunicipal transfer of Restaurant Liquor License No. R-15877 from 37 E. Bridge Street, Phoenixville, Chester County, PA to Applicant for the property located at 1115 West Chester Pike, West Goshen Township, Chester County, Pennsylvania (the "Property") pursuant to Code Section 461.

2. Applicant proposes to, and will, utilize the Liquor License to provide additional offerings of beer, and possibly wine sales, to its currently existing grocery store at the Property (the "Proposed Use").

3. The Applicant will comply with all other local ordinances including, without limitation, zoning and building codes.

4. The Applicant's Proposed Use will be located in the non-residential Commercial Shopping Center ("C-2") zoning district.

5. There is no evidence that the proposed intermunicipal transfer will adversely affect the welfare, health, peace and morals of this Township or the residents hereof.

6. The Board of Supervisors hereby approve the Applicant's request for an intermunicipal transfer of Pennsylvania Liquor License No. R-15877 pursuant to Code Section 461(b.3) subject to the following condition:

(a) Applicant and its successors and assigns who utilize the liquor license at the Premises shall require all employees who serve alcohol to receive Responsible Alcohol Management Program (RAMP) training administered by the Pennsylvania Liquor Control Board.

7. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

I **HEREBY CERTIFY** that this Resolution was adopted by West Goshen Board of Supervisors at its public meeting held on the 17th day of November, 2020.

ATTEST:

WEST GOSHEN TOWNSHIP

Case LaLonde, Secretary

Robin Stuntebeck, Chair

Shaun Walsh, Vice Chair

Ashley Gagné, Member

John Hellmann, Member

Hugh J. Purnell, Jr., Member