

February 2, 2015
Middletown, PA 17057

At 7:05 p.m., a public hearing of the Middletown Borough Council was called to order by acting Council President Robert Louer, with Council members Mike Bowman, John Brubaker, Anne Marino Einhorn, Ben Kapenstein, Victoria Malone, Scott Sites and Sue Sullivan present. Council President McNamara was absent from the public hearing.

Also present were Mayor Curry, Borough Manager Tim Konek and Borough Secretary Amy Friday.

Acting Council President Louer stated the public hearing is being held to hear testimony from Mr. David Kitner and Roberto's pizza for the inter-municipal transfer of PLC eating place retail dispenser license E-3488.

On behalf of Mr. David Kitner, Attorney Jim Petrascu made remarks on the transfer of the license.

Attorney Petrascu stated Mr. Kitner is requesting a transfer of an eating place retail dispenser license also known as an E license. He explained an E license is strictly a malt and brew beverage license to serve beer and any other malt beverages. Attorney Petrascu stated this license was previously held in the City of Harrisburg in the 1200 block of Derry Street and that restaurant has been closed and vacant for some time and the license was taken by the U.S. Marshall's Service. He stated that is who they are dealing with for the sale transaction of that license. Attorney Petrascu said this is the first step in the allowance of the statute, to transfer the license from one municipality to another within Dauphin County and with this step we are requesting Council's approval through a Resolution. He said the second step would be for Mr. Kitner to complete the formal application process and at that time they will assign a private investigator who will investigate Mr. Kitner and his manager/proposed manager as well as the premises and area around the proposed premises and make a determination if they will allow the approval of the transfer into Middletown Borough.

Attorney Petrascu stated everything looks good on what has been researched thus far with the license. He added Mr. Kitner will be trained through a responsible alcohol management program and also he, his manager and staff will be trained in responsible sale and service of alcohol to patrons.

Public Comment

Jerome Darius, 704 S. Union Street

Mr. Darius commented on the location of the restaurant. Attorney Petrascu stated it is for Roberto's Pizza at 23 S. Union Street.

Michael Dalton, 237 North Pine Street

Mr. Dalton commented if this is to be a bar or a place that serves six packs to go. Attorney Petrascu stated he is not sure what Mr. Kitner is planning for a stand up bar with bar stools, but the law allows takeout of malt or brewed beverages up to two six packs in a single sale.

Joe Sukle, 20 S. Union Street (Business), 1823 Foxy Ana Road (Residence)

Mr. Sukle commented on the time frame of operation, if everything goes well with the State. Attorney Petrascu stated they hope to get the application submitted within the next week or two and if there are no complications, it may take two to three months.

Councilor Brubaker asked what the difference is between the liquor license Mr. Kitner asked for before and now. Mr. Kitner stated the biggest difference is the first license was for an economic development license. He said when he applied for that license there were no private licenses available.

Councilor Bowman asked if Mr. Kitner will be serving these beverages outside as well as inside. Mr. Kitner stated right now it is just for inside service.

Mayor Curry stated this is comparable to J & J's.

Councilor Bowman made a motion to authorize Resolution 620, a Resolution of Middletown Borough approving of the eating place retail dispenser license #E-3488 into Middletown Borough from the City of Harrisburg for Roberto's Inc.

The motion was seconded by Councilor Sites and approved by a unanimous 8-0 vote. Council President McNamara was absent from vote.

At 7:15 p.m., acting Council President Louer moved to adjourn the special meeting.