

A public hearing before Bloomsburg Town Council was held Monday, October 19, 2009, beginning at 6:00 p.m. in Council Chambers, Town Hall, 301 East Second Street, Bloomsburg, PA. Present were Mayor Dan Knorr; Council Members Diane Levan, Paul Kinney, Sylvia Costa, Kathy Shepperson, W. Carey Howell and William Kreisher; Chief of Police Leo Sokoloski; Code Enforcement/Zoning/ Planning Officer Ed Fegley; Town Administrator Carol Mas and Solicitor Jack Mihalik.

**PUBLIC HEARING – INTER-MUNICIPALITY TRANSFER OF LIQUOR LICENSE – CHUMLEY’S BAR AND GRILL, LLC – 45 EAST MAIN STREET**

Bloomsburg Town Council held a Public Hearing at 6:00 p.m. concerning the inter-municipality transfer of a liquor license request of Chumley’s Bar and Grill, LLC a partnership of Marlene Butters and John Berger, III for 45 East Main Street. A stenographer was present to record the following proceeding.

On a motion by D. Levan, seconded by K. Shepperson and voted on unanimously, Council approved Jack Mihalik as the hearing officer of the proceedings.

Solicitor Mihalik outlined the process to be followed for the testimony to be given.

Solicitor Mihalik began with applicant’s attorney, Greg Moro. He noted two (2) changes to be made to the original application. Item 12G should be marked “Yes” and the “a” in Capital Restaurant should be changed to an “o”. J. Mihalik instructed C. Mas to make the corrections on the original application and have the applicant initial them.

Marlene Butters, 1700 Main Street, Lightstreet, was sworn in and questioned by Mr. Moro as to her experience as the co-owner and manager of Portabella Catering in Lightstreet. She does not have a liquor license for that establishment but patrons can bring their own. She has not had any violations or citations from the Liquor Control Board. She has an Associates Degree in restaurant management. She has lived here her entire life and does not have a criminal history. She has not yet purchased the liquor license she is asking to transfer. It would be coming from Keiser’s Café in Mainville which is no longer in business. The license would be transferred to the Capitol Restaurant within the former Capitol Theatre owned by Sunset Holding a corporation owned by Matt Zoppetti and Sante D’Ambrosio. The restaurant would have seating for 150 including the meeting room with 30 at the bar. She expects the hours to be 11:00am to 2:00am Sunday through Thursday and 7:00am until 2:00am on Friday and Saturday. She looks to create 15-20 new jobs. There would be on-street parking as well as parking in the lot behind the Episcopal Church. If live entertainment is provided it would be acoustical only. She and her partner John Berger, III are looking at showing old movies in the meeting room area. They would not proceed with their plans if they are not successful this evening as it would not be profitable. J. Mihalik asked Ed Fegley if the building had a historic significance. He replied that it had a “notable” classification which was the highest. D. Levan inquired as to the status of Portabella’s and Ms. Butters said it would continue to operate. P. Kinney asked if she would allow students at the bar. She said she would not discriminate but felt her prices would discourage them from making a night of it at the bar. S. Costa wanted to know if it would become a college bar if the restaurant did not work. She responded she would not want it to. Mayor Knorr asked if there were apartments above the restaurant; if she felt she would be overrun by students and if students would be her only source of revenue. She responded yes, no, no respectively. K. Shepperson wanted to know why they would stay open until 2:00am if they were primarily a food establishment. Ms. Butters replied that she wanted to keep the kitchen open until 1:00am. D. Levan asked if there was a separate entrance for the upstairs apartments which there is. C. Howell questioned her about the length of the lease with Sunset Holding. She said it was open-ended. B. Kreisher asked if Chumley’s was a franchise. It is not. Any questions regarding the building were deferred to Mr. Berger.

Steve Coladonato of 210 West Third Street verified with Ms. Butters that the license to be transferred was currently owned by Josephine Keiser. He asked if Council had approached the Liquor Control Board about granting an economic development restaurant license which is more restrictive than the license they are asking to transfer. Mr. Mihalik noted that Council can only vote on what is before them.

John Berger, III, 1700 Main Street, Lightstreet, was sworn in. He addressed the previous questions on the building. The sloping floor will remain on one side to allow for handicap accessibility. The first floor area is 4500 square feet with the meeting room occupying 744 square feet. The marquis will be upgraded and will be lit. He stated that even with the student housing throughout the downtown they will not have \$1.00 per beer or \$3.00 per pitcher nights at their restaurant. They will work with code and zoning while renovating the first floor.

A memo from Code Enforcement Officer E. Fegley was entered into evidence. Town Administrator C. Mas had no recommendation as it is not the nature of her position to set policy.

Chief of Police L. Sokoloski believes adding another license could be a detriment as Bloomsburg is already saturated with licenses. In response to questions by Mr. Moro L. Sokoloski stated he became a police officer in 1985 and appointed Chief in 2001. The census in 2000 was 12,375. 57% of the population was under 23 years of age. Currently there are 19 liquor licenses in Bloomsburg in varying categories. There are few calls for police services within liquor establishments. Few underage drinking violations occur in licensed establishments. Neither applicant had a criminal history. The Chief holds an annual meeting with owners of the establishments to educate the proprietors. A liquor violation would result in the loss of their license.

C. Mas attested to the dates of the mailings and the notices.

Greg Moro asked that Council judge their decision on the applicants who have a tradition of quality, not on other establishments in Bloomsburg.

Solicitor Mihalik closed the record at 7:10pm.

On the open discussion by Council, Mayor Knorr believes the use is appropriate and does not feel the transfer would damage the health, safety or welfare of the town. It is on a great location and would enhance the downtown. He feels Council should make decisions on a case by case basis. It would be foolish to turn down their request.

#### APPROVAL OF INTER-MUNICIPAL LIQUOR LICENSE TRANSFER

On a motion by D. Knorr, seconded by B. Kreisher and voted on Five (5) (D. Knorr, D. Levan, S. Costa, K. Shepperson, C. Howell and W. Kreisher voting "Yes") to One (1) (P. Kinney voting "No"), Council approved the inter-municipal liquor license transfer request from Chumley's Bar and Grill, LLC for 45 East Main Street.

There being no further business, the public hearing adjourned into an Executive Session to discuss personnel issues at 7:20pm and reconvened at 7:32pm.

APPROVAL OF HIRING MARY BUCK AND JAMIE NEMEC AS TEMPORARY PART-TIME DATA ENTRY CLERKS

On a motion by S. Costa, seconded by D. Levan and voted on unanimously, Council approved hiring Mary Buck and Jamie Nemecek as temporary part-time data entry clerks in the police department at a wage of \$9.10 per hour contingent upon successful background checks and pre-employment drug testing.

There being no further business, the meeting adjourned at 7:35pm.

CAROL L. MAS  
Town Administrator & Secretary