

**EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
RESOLUTION OF THE EXETER TOWNSHIP BOARD OF SUPERVISORS, COUNTY
OF BERKS, COMMONWEALTH OF PENNSYLVANIA, DENYING THE TRANSFER
OF PLCB LICENSE NO. R12321 INTO EXETER TOWNSHIP
FROM LOWER ALSACE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
No. 2023-35**

WHEREAS, Act 141 of 2000, hereinafter the “Act”, which amends the Commonwealth of Pennsylvania’s Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve and deny, 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, as in Exeter Township (“Township”), sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the receiving municipality to issue a resolution approving the inter-municipal transfer of the liquor license from outside the receiving township to within its borders prior to submission of an application for such transfer to the Pennsylvania Liquor Control Board; and

WHEREAS, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one (1) public hearing be held for the purpose of permitting interested parties to state their concerns regarding the transfer of the liquor license into the receiving municipality; and

WHEREAS, on Tuesday, August 15, 2023, a duly-advertised public hearing was held of the Board in which the applicant, Birdsboro Mart, LLC, attended with counsel; and

WHEREAS, during the hearing, the applicant, numerous residents and Detective Sgt. Rocco DeCamillo provided testimony concerning the application; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of the liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Exeter Township Board of Supervisors (“Board”) makes the following findings of fact:

1. Birdsboro Mart, LLC has requested the approval of the Board for the proposed transfer of Pennsylvania Liquor License Number R12321 by Birdsboro Mart, LLC to facilities within Exeter Township to be located at 6600 Perkiomen Ave, Birdsboro (Exeter Township), Berks County, Pennsylvania from C.S. Woodward Enterprises, Inc., located at 1456 Friedensberg Road, Reading (Lower Alsace Township), Berks County, Pennsylvania.
2. The application was dated June 30, 2023 and received by the Township via mail on July 7, 2023 at Exeter 2.
3. A copy of the application was admitted into the record of the public hearing.

4. On August 10, 2023, the Township advertised a public hearing in the *Reading Eagle*, and a copy of such advertisement was admitted into the record of the public hearing at Exeter 1.
5. On August 15, 2023, the Township held a hearing in which the applicant and his legal counsel attended.
6. No objection was raised prior to or during the hearing concerning the advertisement of the public hearing.
7. A quorum of the Board was present during this public hearing. *See* Transcript of Hearing (“Transcript”) at 10.
8. During the hearing, one of the owners of Birdsboro Mart, LLC, Vikram, testified and provided information concerning the application and proposed plan to begin serving food at the on-site kitchen. *See* Transcript at 11-50; *id.* at 98-114.
9. During his testimony, Vikram introduced a set of policies and procedures related to alcohol control, which were admitted into evidence at Applicant 1.
10. The applicant did not provide any evidence or testimony concerning whether the approval of the application would result in any additional job creation. *See id.*
11. The application did not provide any evidence or testimony demonstrating whether the approval of the application would result in any revenue enhancement for the residents of the Township. *See id.*
12. During the hearing, Detective Sergeant Rocco DeCamillo testified regarding various concerns with respect to Birdsboro Mart, LLC. *See* Transcript at 75-98.
13. Specifically, Sergeant DeCamillo credibly testified that he has visited Birdsboro Mart, LLC on several occasions and that this location sells glass pipes, sells crack pipes, sells filters for crack pipes, sells knives, has several “skill games” of questionable legality, sells Kratom, in addition to selling sports drinks and snacks. *Id.*
14. Sergeant DeCamillo described Birdsboro Mart, LLC as “a drug paraphernalia emporium that also sells sports drinks,” that “[t]here’s small spoons for snorting cocaine that’s sole right behind the counter,” that there are “crack pipes that are sold for use of crack cocaine,” that there are “pipes that are used to smoke crystal methamphetamine,” that “Chore Boy Brillo,” a “filter for the crack pipe that’s being sold on the counter,” as being sold there, and that, in his nearly 30 years of experience, he could not “think of any place that was worse [than] what [he] saw at this place.” *Id.* at 77-78.
15. Sergeant DeCamillo also testified that the glassware items “appeal to our children, as does all the vaping flavors that are sole in those types of products inside the store,” and that “[c]hildren frequent this location” due to curiosity, its proximity and because the store also sells “candy and sports drinks.” *Id.* at 78.
16. Sergeant DeCamillo testified that the “gambling machines ... are a concern” because they

“attract a criminal element,” *id.* at 80, and because of a coroner “that this is going to turn into a casino.” *Id.* at 82.

17. Sergeant DeCamillo also expressed a concern about Kratom being sold at the premises. *Id.* at 81-82.
18. Sergeant DeCamillo also testified that the windows of Birdsboro Mart, LLC are covered with advertising, which makes it difficult for police officers to see into the facility for safety reasons. *Id.* at 88-92.
19. An exterior picture of Birdsboro Mart, LLC was admitted into evidence at Exeter 3.
20. Sergeant DeCamillo also testified that there have been several police encounters involving individuals at Birdsboro Mart, LLC, including an incident on May 23, 2023 where a person was in possession of drug paraphernalia and crystal methamphetamine at the location. *Id.* at 84-85.
21. Sergeant DeCamillo further testified that Birdsboro Mart, LLC is in an economically depressed area of the Township in which homelessness and illegal narcotics are ongoing concerns:

[L]et me say, quite frankly, that that neighborhood is challenged. It's challenged with the amount of crystal meth, and fentanyl, and heroin that's sold down in that area. I've been an officer here for 26 years and we do a lot of drug raids down there. We do a lot of drug enforcement in that area. And it is a concern that you can go buy your methods to smoke or use drugs so close to where we do drug enforcement in that area. We shut several drug houses down in that area within walking distance of that area.

....

And these are the most challenged kids in our district as far as the income of their families. It would shock you the amount of homelessness --- and the district considers homeless if they're living with a grandparent because their parents can't afford a home. It would shock you with the amount of kids that are homeless in this area because they meet that definition of the district standard of homeless. And this is in their backyard. This is all they have. They don't have a playground unless they want to cross 422, but this is what they got to go hang out.

Id. at 87-88.

22. The applicant offered to remove the glass pipes and work with the Exeter Township Police Department to address safety concerns during the public hearing.
23. Several residents also credibly testified in opposition to the intermunicipal liquor license transfer.

24. Exeter Township resident Fred Whitehawk questioned whether the establishment would have a safe serve certification for food service. *Id.* at 53-54.
25. Exeter Township resident Lisa Tasker credibly testified that she lives behind Birdsboro Mart, LLC, and expressed concern about individuals attracted by the skill games wandering around the neighborhood "in the middle of the night." *Id.* at 55-59.
26. Exeter Township resident Tom Tasker credibly testified that he lives two blocks from Birdsboro Mart, LLC and noted that the facility is close to a school and that children visit the establishment. *Id.* at 59-66.
27. Exeter Township resident Darlene Tobinos credibly testified that he also lives close to Birdsboro Mart, LLC and that, in the past three months, she has had individuals walk "up and down the side of [her] house" in the early morning hours that have made derogatory comments toward her and that she is, for the first time, "afraid to live in [her] house after 19 years." *Id.* at 66-74.
28. Ms. Tobinos also expressed concerns about the safety of children if parents are drinking alcohol while playing skill games. *Id.* at 68-69.
29. The record in this matter for the limited purpose of supplementing the record to provide letters related to the tobacco verification process; however, the applicant did not provide these letters. *Id.* at 50; *id.* at 118.
30. Based on the testimony and evidence summarized above and included within the transcript, the Board finds that substantial evidence exists that approving the requested intermunicipal liquor license transfer would have a negative impact on the health, safety and welfare of the Township and its residents where approving the transfer would further attract a criminal element at this location, would exacerbate existing problems with drug use and homelessness in the area and would have a detrimental impact on children who frequent the establishment.

BE IT FURTHER RESOLVED that, the Exeter Township Board of Supervisors, Berks County, Pennsylvania 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 Pennsylvania Liquor License R12321 into Exeter Township by Birdsboro Mart, LLC will have a detrimental impact on the community for the reasons set forth above; and

BE IT FURTHER RESOLVED that, the Exeter Township Board of Supervisors, hereby denies the proposed transfer of Pennsylvania Liquor License No. R12321 into Exeter Township by Birdsboro Mart, LLC.

BE IT FURTHER RESOLVED that a copy of this resolution will be mailed to the applicant's counsel.

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BOARD OF SUPERVISORS OF EXETER
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

By:

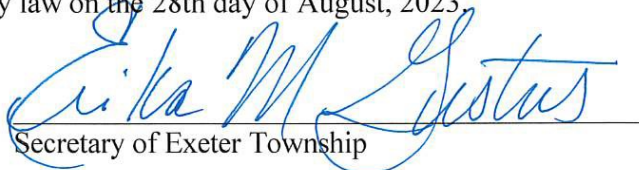

Chairperson

Attest:


Interim Township Manager

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of Exeter Township, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 28th day of August, 2023.


Secretary of Exeter Township

Dated: 08/29/23