P-R-O-C-E-E-D-I-N-G-S

NORTH FRANKLIN TOWNSHIP

BOARD OF SUPERVISORS

620 Franklin Farm Road

Washington, Pennsylvania 15301

IN RE: Intermunicipal Transfer of A Liquor License

Interstate Golf and Activity Center, LLC. 2200 Old National Pike Washington, Pennsylvania 15301

DATE TAKEN: November 14, 2023 5:15 p.m.

Simms Strnisa Court Reporting Service
1581 Millers Run Road
McDonald, Pennsylvania 15057
724-321-0289 - kssreporting@gmail.com

1	APPEARANCES:
2	NORTH FRANKLIN TOWNSHIP SUPERVISORS
3	Bob Sabot - President Mike Quinn - Member
4	Ben Johnson - Member
5	NORTH FRANKLIN TOWNSHIP SOLICITOR
6 7	Michael C. Cruny, Esquire SWEAT LAW OFFICES 375 Valley Brook Road, Suite 112
8 9	McMurray, Pennsylvania 15317 724-222-5150 mcruny@sweatlaw.com
10	
11	ALSO PRESENT Jackie Kotchman
12	Erin Dinch
13	
14	
15	
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(Whereupon, the proceedings commenced 1 2 at 5:15 p.m.) 3 PRESIDENT SABOT: All right. 4 Public Hearing of the North Franklin Township 5 Supervisors is hereby called to order at 6 5:15 p.m. on November 14th of 2023. 7 All three Supervisors are in 8 attendance, along with the Solicitor, and our 9 Planning and Development Director, and also 10 our Secretary/Treasurer. 11 The meeting is called to order. And 12 I'll turn it over to Michael. 13 14 SOLICITOR CRUNY: Thank you, Mr. Chairman. 15 This is the date and time for an 16 17 Intermunicipal Transfer of a Liquor License. The request was submitted by the Interstate 18 Golf and Activity Center, LLC. The property 19 is located at 2200 Old National Pike, here in 20 21 the township.

The previous -- or, current owner of the liquor license is by the name of Kirich's Tavern, LLC, located in Avella, Pennsylvania.

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Pursuant to the Pennsylvania liquor

law, the Township, if it has more than one liquor license per 3,000 residents, requires a municipal hearing to review the application and the proposed transfer. That's what brings us here today.

And so by letter of the Caputo Law Office, dated October 3, 2023, this request was submitted to the Township to handle this hearing.

I would mark this as the application or request, that would be hearing Exhibit A, for consideration.

(Whereupon, Hearing Exhibit A was marked for identification.)

SOLICITOR CRUNY: Following the request, the October 3rd letter, this hearing, date and time, was advertised pursuant to the law in the Observer-Reporter, the local newspaper of general circulation. That ran on October 24th and October 31st, respectfully.

 $\label{eq:control_control_control} \mbox{I would mark that as hearing}$ $\mbox{Exhibit B.}$

(Whereupon, Hearing Exhibit B was marked for identification.)

SOLICITOR CRUNY: With that being

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said, is there anyone here from the Applicant,
1
2
     owner, or otherwise?
               MR. KOWALL: Yeah.
3
               SOLICITOR CRUNY: Sir, could you
4
     stand, raise your right hand to be sworn in,
5
     and then state your name to testify.
6
7
               (Whereupon, Mr. Kowall was sworn in
     under oath.)
8
               COURT REPORTER: Your name?
9
               MR. KOWALL: Gary Kowall.
10
               COURT REPORTER: Can you spell that.
11
               MR. KOWALL: G-A-R-Y, K-O-W-A-L-L.
12
13
               COURT REPORTER:
                                Thank you.
               SOLICITOR CRUNY: All right.
14
     are you the owner of the establishment that is
15
     attempting to receive the application of the
16
     liquor license?
17
               MR. KOWALL: Yes. Yes.
18
               SOLICITOR CRUNY: Okay. And can you
19
     just -- the name that it's going to be held
20
     in?
21
               MR. KOWALL: For the transfer, it's
22
     going to come right into Susan and Gary Kowall
23
     because we're the owners right now. But our
24
     plan is, I got -- we're -- we got a couple
2.5
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guys, partners. One is Tom Mucci, who I've known about for about 32 years. He owns Eagle Industrial in Avella, PA. He's been a businessman for 32 years. And, you know, I'm not as much a businessman as much as him.

We've been friends a long time.
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2.2

2.5

So, we got together and we -- his son's a golfer. And we planned this sort of like a Top Golf theme, you know, multiple-tiered bays, heated bays, where families can come. There's going to be food, served food, sort of like a Top Golf, but obviously not nearly the size.

SOLICITOR CRUNY: Okay. And just to confirm, the proposed activity business is not currently in operation?

 $$\operatorname{MR.}$$ KOWALL: Yes, we are in operation.

SOLICITOR CRUNY: You are in operation?

MR. KOWALL: Yes. We have a miniature golf course. We do have a driving range. We have a building that is, more or less, just for parties upstairs. We rent out parties. Which we're trying to get away from

that, you know, and just serve the public and not have its --

You know, don't get me wrong, it's been okay for the past five years. But it's tough to just have people come in and do their thing. So we're trying to do something a little bit different.

SOLICITOR CRUNY: Do you know what your proposed hours of sale will be if you are successful in this hearing?

MR. KOWALL: Going by other businesses sort of like ours, usually it's around noon till 10:00 p.m. is about the times. Now, on weekends, we may be open as late as 11 or 12. But I don't see this type of business being open much later than that.

SOLICITOR CRUNY: What are your current hours of operation?

MR. KOWALL: During the regular season, we have a driving range that they can come and hit balls during the day at any time.

But in our season, from April 1st to October 1st, we're open on -- during the week, we open at 4:00 and we close at 9:00.

SOLICITOR CRUNY: Okay.

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MR. KOWALL: And on the weekends, we
1
     open at 1:00 and close at 10:00.
2
               SOLICITOR CRUNY: So this license
3
     would result in a slight expansion of your
4
5
     hours?
               MR. KOWALL: Slightly, yeah.
6
               SOLICITOR CRUNY: Do you know if
7
     there's a church within 300 feet of this
8
     establishment?
9
               MR. KOWALL: The only -- no. I mean,
10
     the Jehovah Witnesses is up on the -- up on
11
     the hill from us. I don't know exactly how
12
     far away it is.
13
               SOLICITOR CRUNY: And do you know if
14
     there's a school or a hospital or park within
1.5
     500 feet?
16
                            No. No, there's not.
               MR. KOWALL:
17
               SOLICITOR CRUNY: The area up there
18
     is relatively residential; is that a fair
19
20
     assessment?
               MR. KOWALL: Yeah.
21
               SOLICITOR CRUNY: Have you -- that
22
     your aware of, do you have any citations
23
24
     outstanding against you or your wife, who are
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25

the Applicants?

MR. KOWALL: No, sir. 1 2 SOLICITOR CRUNY: And do you know if there are any citations against the license 3 itself, the current license? 4 5 MR. KOWALL: No, sir. SOLICITOR CRUNY: Do you own any 6 7 other liquor license? 8 MR. KOWALL: No. SOLICITOR CRUNY: This would be your 9 first? 10 MR. KOWALL: This would be my first. 11 SOLICITOR CRUNY: Is there anything 12 else you'd like to testify to the Board? 13 14 MR. KOWALL: Just, you know, anxious. I think it would be a great thing for the 15 community. I know sometimes liquor, but it's 16 the -- you know, it's sort of like a Top Golf 17 18 theme. And what from we're being told by 19 Trackman and Protracer, the two companies that 20 are trying to get their system put into our 21 business, you know, it really is a hit. And 22 it's really a -- it's still a family -- a 23

family business even though there is, you

24

25

know, alcohol.

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SOLICITOR CRUNY: At this time, I'll
1
     turn it over to the Board, if you have any
2
     questions for the Applicant.
3
               MR. QUINN: No, I don't think so.
4
                                                    Не
5
     went over everything.
               PRESIDENT SABOT: I'm good.
6
               MR. JOHNSON: I'm good, yeah.
7
               SOLICITOR CRUNY: Anything from Erin
8
     or Jackie, from the staff?
9
               MS. DINCH: No.
10
11
               MS. KOTCHMAN: No.
               SOLICITOR CRUNY: Anything from the
12
13
     audience? Any questions?
               (No response.)
14
               With that being said, I would
15
16
     recommend the Board considering the entering
     of Exhibit A and B into the record.
17
18
               If you could make a motion to accept
19
     A and B.
               PRESIDENT SABOT: Do you want that in
2.0
     a motion?
21
               SOLICITOR CRUNY: Yes.
22
               PRESIDENT SABOT: So moved.
23
24
               Is there a second?
               MR. QUINN: Second.
25
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PRESIDENT SABOT: Roll call.
1
2
               MS. KOTCHMAN: Mr. Quinn?
               MR. OUINN: Yes.
3
               MS. KOTCHMAN: Mr. Sabot?
4
               PRESIDENT SABOT: Yes.
5
               MS. KOTCHMAN: Mr. Johnson?
6
7
               MR. JOHNSON: Yes.
               SOLICITOR CRUNY: And then I would
8
     make a -- I would recommend a motion to close
9
     the hearing from the testimony and evidence
10
     standpoint.
11
               PRESIDENT SABOT: So I will make that
12
13
     motion.
               Is there a second?
14
               MR. QUINN: Second.
15
               PRESIDENT SABOT: Is it going to be
16
     on the agenda here? Do we have it on the
17
     agenda to approve this?
18
               MS. KOTCHMAN: Yeah. Under
19
20
     Resolutions.
               PRESIDENT SABOT: Oh, it's under
21
     Resolutions, okay. That's where I wasn't
2.2
23
     looking.
               SOLICITOR CRUNY: So, the Township
24
     has 45 days to render a decision. However,
25
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you could do so by adopting a resolution. And
1
     I believe it's on the agenda tonight's meeting
2
3
     to follow up.
               PRESIDENT SABOT: Yeah, we'll be
4
     taking it up during the meeting.
5
               Okay. All right. Any other
6
7
     questions?
               (No response.)
8
               PRESIDENT SABOT: Roll call.
9
               MS. KOTCHMAN: Mr. Quinn?
10
               MR. OUINN: Yes.
11
               MS. KOTCHMAN: Mr. Sabot?
12
               PRESIDENT SABOT: Yes.
13
               MS. KOTCHMAN: Mr. Johnson?
14
15
               MR. JOHNSON: Yes.
               PRESIDENT SABOT: All right. We'll
16
     consider this adjourned until 5:30.
17
               SOLICITOR CRUNY: Yeah.
18
               (Whereupon, the Public Hearing was
19
20
     adjourned at 5:23 p.m.)
21
22
23
24
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25

CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the North Franklin Supervisors Public Hearing, taken on November 14, 2023, and that the transcription was reduced to printing under my direction, and that this is a true and correct transcript of the same.

DATE

12/9/23

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Krm Simme Strnisa, Notary Public
Washington County
Kin My SmibidSiofRexBres Appl 21, 2825n is a
Commission number 1162174
Certif Mornage Penneytvarial Association of Notaries porter

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years [3] - 6:2, 6:4, 7:4

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(Whereupon, the proceedings commenced 1 at 5:15 p.m.) 2 3 P-R-O-C-E-E-D-T-N-G-S PRESIDENT SABOT: All right. This 4 5 Public Hearing of the North Franklin Township 6 Supervisors is hereby called to order at NORTH FRANKLIN TOWNSHIP 5:15 p.m. on November 14th of 2023. 7 BOARD OF SUPERVISORS 8 All three Supervisors are in 620 Franklin Farm Road Washington, Pennsylvania 15301 9 attendance, along with the Solicitor, and our Planning and Development Director, and also 10 11 our Secretary/Treasurer. IN RE: Intermunicipal Transfer of A Liquor License 12 The meeting is called to order. And Interstate Golf and Activity Center, LLC. 2200 Old National Pike Washington, Pennsylvania 15301 13 I'll turn it over to Michael. SOLICITOR CRUNY: Thank you, 14 15 Mr. Chairman. November 14, 2023 5:15 p.m. DATE TAKEN: 16 This is the date and time for an Intermunicipal Transfer of a Liquor License. 17 The request was submitted by the Interstate 18 19 Golf and Activity Center, LLC. The property is located at 2200 Old National Pike, here in 20 21 the township. Simms Strnisa Court Reporting Service 1581 Millers Run Road McDonald, Pennsylvania 15057 724-321-0289 - kssreporting@gmail.com 22 The previous -- or, current owner of the liquor license is by the name of Kirich's 23 Tavern, LLC, located in Avella, Pennsylvania. 24 25 Pursuant to the Pennsylvania liquor SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM APPEARANCES: 1 law, the Township, if it has more than one 1 NORTH FRANKLIN TOWNSHIP SUPERVISORS 2 2 liquor license per 3,000 residents, requires a 3 municipal hearing to review the application 3 Bob Sabot - President and the proposed transfer. That's what brings Mike Ouinn - Member 4 4 Ben Johnson - Member 5 us here today. 6 5 And so by letter of the Caputo Law NORTH FRANKLIN TOWNSHIP SOLICITOR 7 Office, dated October 3, 2023, this request 6 8 was submitted to the Township to handle this Michael C. Cruny, Esquire 7 SWEAT LAW OFFICES 9 hearing. 375 Valley Brook Road, Suite 112 10 I would mark this as the application 8 McMurray, Pennsylvania 15317 724-222-5150 11 or request, that would be hearing Exhibit A, 9 mcruny@sweatlaw.com 12 for consideration. (Whereupon, Hearing Exhibit A was 10 13 ALSO PRESENT 14 marked for identification.) 11 SOLICITOR CRUNY: Following the 15 Jackie Kotchman 12 Erin Dinch 16 request, the October 3rd letter, this hearing, 17 date and time, was advertised pursuant to the 13 14 law in the Observer-Reporter, the local 18 15 19 newspaper of general circulation. That ran on 16 17 20 October 24th and October 31st, respectfully. 18 I would mark that as hearing 21 19 20 22 Exhibit B. 21 23 (Whereupon, Hearing Exhibit B was 22 24 marked for identification.) 23 24 25 SOLICITOR CRUNY: With that being 25 SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM

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that, you know, and just serve the public and
     said, is there anyone here from the Applicant,
                                                          1
 1
                                                              not have its --
     owner, or otherwise?
                                                          2
2
                                                                       You know, don't get me wrong, it's
              MR. KOWALL: Yeah.
                                                          3
 3
                                                              been okay for the past five years. But it's
              SOLICITOR CRUNY: Sir, could you
                                                          4
 4
                                                              tough to just have people come in and do their
     stand, raise your right hand to be sworn in,
                                                          5
5
     and then state your name to testify.
                                                          6
                                                              thing. So we're trying to do something a
 6
                                                              little bit different.
                                                          7
              (Whereupon, Mr. Kowall was sworn in
7
                                                                       SOLICITOR CRUNY: Do you know what
                                                          8
     under oath.)
8
                                                              your proposed hours of sale will be if you are
              COURT REPORTER: Your name?
                                                          9
9
                                                              successful in this hearing?
              MR. KOWALL: Gary Kowall.
                                                         10
10
                                                                       MR. KOWALL: Going by other
              COURT REPORTER: Can you spell that.
                                                         11
11
              MR. KOWALL: G-A-R-Y, K-O-W-A-L-L.
                                                         12
                                                              businesses sort of like ours, usually it's
12
                                                              around noon till 10:00 p.m. is about the
              COURT REPORTER: Thank you.
                                                         13
13
                                                         14
                                                              times. Now, on weekends, we may be open as
              SOLICITOR CRUNY: All right. Sir,
14
                                                              late as 11 or 12. But I don't see this type
     are you the owner of the establishment that is
                                                         15
15
                                                              of business being open much later than that.
     attempting to receive the application of the
                                                         16
16
                                                                        SOLICITOR CRUNY: What are your
                                                         17
17
     liquor license?
                                                              current hours of operation?
              MR. KOWALL: Yes. Yes.
                                                         18
18
                                                                        MR. KOWALL: During the regular
              SOLICITOR CRUNY: Okay. And can you
                                                         19
19
                                                         20
                                                              season, we have a driving range that they can
     just -- the name that it's going to be held
20
                                                              come and hit balls during the day at any time.
                                                         21
     in?
21
                                                                        But in our season, from April 1st to
              MR. KOWALL: For the transfer, it's
                                                         22
22
     going to come right into Susan and Gary Kowall
                                                              October 1st, we're open on -- during the week,
                                                         23
23
                                                              we open at 4:00 and we close at 9:00.
                                                         24
     because we're the owners right now. But our
24
     plan is, I got -- we're -- we got a couple
                                                         25
                                                                        SOLICITOR CRUNY: Okav.
25
    SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM
                                                             SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM
                                                                        MR. KOWALL: And on the weekends, we
     guys, partners. One is Tom Mucci, who I've
                                                          1
 1
                                                              open at 1:00 and close at 10:00.
     known about for about 32 years. He owns Eagle
 2
                                                                        SOLICITOR CRUNY: So this license
     Industrial in Avella, PA. He's been a
                                                          3
 3
                                                              would result in a slight expansion of your
                                                          4
     businessman for 32 years. And, you know, I'm
 4
     not as much a businessman as much as him.
                                                          5
                                                              hours?
 5
                                                                        MR. KOWALL: Slightly, yeah.
                                                          6
 6
     We've been friends a long time.
                                                          7
                                                                        SOLICITOR CRUNY: Do you know if
              So, we got together and we -- his
 7
                                                              there's a church within 300 feet of this
     son's a golfer. And we planned this sort of
                                                          8
 8
                                                              establishment?
     like a Top Golf theme, you know,
                                                          9
 9
                                                                        MR. KOWALL: The only -- no. I mean,
                                                         10
     multiple-tiered bays, heated bays, where
10
                                                              the Jehovah Witnesses is up on the -- up on
     families can come. There's going to be food,
                                                         11
11
                                                              the hill from us. I don't know exactly how
12
     served food, sort of like a Top Golf, but
                                                         12
                                                              far away it is.
                                                         13
     obviously not nearly the size.
13
                                                                        SOLICITOR CRUNY: And do you know if
              SOLICITOR CRUNY: Okay. And just to
                                                         14
14
                                                              there's a school or a hospital or park within
                                                         15
     confirm, the proposed activity business is not
15
                                                         16
                                                              500 feet?
     currently in operation?
16
                                                                        MR. KOWALL: No. No, there's not.
              MR. KOWALL: Yes, we are in
                                                         17
17
                                                                        SOLICITOR CRUNY: The area up there
                                                         18
18
     operation.
              SOLICITOR CRUNY: You are in
                                                              is relatively residential; is that a fair
                                                         19
19
                                                         20
                                                              assessment?
     operation?
20
                                                                        MR. KOWALL: Yeah.
                                                         21
              MR. KOWALL: Yes. We have a
21
                                                                        SOLICITOR CRUNY: Have you -- that
     miniature golf course. We do have a driving
                                                         22
22
                                                              your aware of, do you have any citations
     range. We have a building that is, more or
                                                         23
23
                                                              outstanding against you or your wife, who are
                                                         24
24
     less, just for parties upstairs. We rent out
                                                         25
                                                              the Applicants?
     parties. Which we're trying to get away from
                                                              SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM
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	9		11
1	MR. KOWALL: No, sir.	1	PRESIDENT SABOT: Roll call.
2	SOLICITOR CRUNY: And do you know if	2	MS. KOTCHMAN: Mr. Quinn?
3	there are any citations against the license	3	MR. QUINN: Yes.
4	itself, the current license?	4	MS. KOTCHMAN: Mr. Sabot?
5	MR. KOWALL: No, sir.	5	PRESIDENT SABOT: Yes.
6	SOLICITOR CRUNY: Do you own any	6	MS. KOTCHMAN: Mr. Johnson?
7	other liquor license?	7	MR. JOHNSON: Yes.
8	MR. KOWALL: No.	8	SOLICITOR CRUNY: And then I would
9	SOLICITOR CRUNY: This would be your	9	make a I would recommend a motion to close
10	first?	10	the hearing from the testimony and evidence
11	MR. KOWALL: This would be my first.	11	standpoint.
12	SOLICITOR CRUNY: Is there anything	12	PRESIDENT SABOT: So I will make that
13	else you'd like to testify to the Board?	13	motion.
14	MR. KOWALL: Just, you know, anxious.	14	Is there a second?
15	I think it would be a great thing for the	15	MR. QUINN: Second.
16	community. I know sometimes liquor, but it's	16	PRESIDENT SABOT: Is it going to be
17	the you know, it's sort of like a Top Golf	17	on the agenda here? Do we have it on the
18	theme.	18	agenda to approve this?
19	And what from we're being told by	19	MS. KOTCHMAN: Yeah. Under
20	Trackman and Protracer, the two companies that	20	Resolutions.
21	are trying to get their system put into our	21	PRESIDENT SABOT: Oh, it's under
22	business, you know, it really is a hit. And	22	Resolutions, okay. That's where I wasn't
23	it's really a it's still a family a	23	looking.
24	family business even though there is, you	24	SOLICITOR CRUNY: So, the Township
25	know, alcohol.	25	has 45 days to render a decision. However,
1	SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM		SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM
	10		12
1		1	
1 2	10	1 2	12
	SOLICITOR CRUNY: At this time, I'll	1	you could do so by adopting a resolution. And
2	SOLICITOR CRUNY: At this time, I'll turn it over to the Board, if you have any	2	you could do so by adopting a resolution. And I believe it's on the agenda tonight's meeting
3	SOLICITOR CRUNY: At this time, I'll turn it over to the Board, if you have any questions for the Applicant.	2 3	you could do so by adopting a resolution. And I believe it's on the agenda tonight's meeting to follow up.
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