

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING MINUTES
AUGUST 8, 2017 – 6:00 PM**

CALL TO ORDER

Chairman John W. Foley, Jr., called the August 8, 2017 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA.

IN ATTENDANCE:

SUPERVISORS

John W. Foley, Jr., Chairman
Susan Cort, Vice Chairman
Justin C. Engle, Secretary
Matthew A. Weir
Marc A. Moyer

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Jon A. Yost, Township Solicitor
Chris Brown, Derck & Edson
Julie Echterling, Recorder

Public in Attendance:

Charles Huth, Ellen Freeman, Mark Kozar and Josh Erb.

INTRODUCTION:

Chairman Foley stated this is a public hearing regarding a request from Giant Food Stores, LLC for an Intermunicipal transfer of a restaurant Liquor License into Derry Township, Dauphin County.

Mrs. Ellen Freeman, Flaherty & O'Hara, stated she is here on behalf of Giant Food stores asking the Board for a resolution approving the inter-municipal transfer of a liquor license. They are requesting approval of the liquor license pursuant to 47P.S. 461 to Giant from outside the municipality to within the municipality pursuant to Liquor Code. The Giant is located at 1250 Cocoa Avenue in Derry Township. Giant plans to renovate their store to include a restaurant with seating for up to 30 people and offer a variety of prepared foods. She spoke about the hot entrees and buffets that would be available. She stated they would sell beer and wine for the convenience of their customers.

She spoke about recent changes to the liquor legislation including those included in the 2016 Act 39. She read a portion of the 2016 legislation which allows for restaurants in grocery stores to sell liquor. She stated Giant is headquartered in Carlisle PA and has over 200 stores throughout Pennsylvania, Maryland, Virginia, and West Virginia. They employ over 33,000 people.

She provided the Board with a floorplan of the Giant Store and what it will look like after the remodel. She stated the shaded area is the licensed liquor area. The hours would be would be 7am to 10pm Monday through Saturday and 9am to 10pm on Sunday. They will implement the Responsible Alcohol Management Program (RAMP) which was created by the LCB. There will be a dedicated restaurant manager for the store. Both the manager and employees in this area will receive the RAMP training. Giant has a 100% carding policy. The maximum amount of liquor to be purchased at one time is two six packs or six bottles of wine. Giant will have a limit of two beers while dining in the restaurant and they must purchase and eat food while there. Only the registers in this area will be able to process the purchase of liquor. There will be security cameras in this area. There will be no entertainment or smoking in this area and it will be well lit. The employees will be well trained on procedures.

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Mr. Josh Erb, manager of special projects for Giant, introduced himself to the Board. The following is a question answer session whereby Mrs. Freeman asked the question and Mr. Erb answered them:

Question: When would construction begin and wrap up? Answer: Pending LCB approval it is slated to start near Labor Day and wrap up by October.

Question: How is the area marked off? Answer: He spoke about the requirements for construction including 4-foot-high bollards which will be less than 10 feet from each other.

Question: Will the area be locked up after hours? Answer: When the restaurant is closed, the area is locked up.

Question: What is the carding policy? Answer: They have a 100% carding policy to protect everyone. There are 4 types of IDs allowed including valid state driver's license, valid state ID, military ID and Passport. IDs are scanned through their system which detects fraudulent ID. Also at the register, they put the birthday in and won't allow the sale without inputting a birthdate.

Question: Is this policy in other places? Answer: Yes

Question: Have any of the 42 Giants selling liquor been cited for selling to minors? Answer: No.

Vice Chairman Cort asked where the registers would be located for this area, why they open so early and how it compares to other places. Mrs. Freeman and Mr. Erb showed where they would be located. Mr. Mark Kozar, Flaherty & O'Hara, spoke about the change in the law which allows for sales on Sunday at 7am. He stated the legal hours to operate are from 7am to 2am. Mrs. Freeman stated Giant limits the hours. Supervisor Weir asked about the location in the store for this area with the produce section. Mr. Erb explained how the law changed, which allowed an aisle type of area for selling liquor. Supervisor Weir asked about the bollards. Mr. Erb spoke about where they would be located as it is hard to see on the map they provided. Supervisor Moyer verified there is a limit of two beers now and asked if they could increase it. Mr. Erb stated they impose this limit not the LCB. A small portion of the liquor sales are onsite consumption versus take out. He spoke about the training they do with employees to ensure that only two beers are being consumed on the premises.

Supervisor Moyer asked if they are subject to DRAN Shop Liability Rules and Mrs. Freeman said yes. Mr. Negley asked if they take fraudulent licenses and Mr. Erb said no. Mr. Negley asked if law enforcement could be notified when this occurs.

PUBLIC COMMENTS

There were no public comments offered.

ADJOURNMENT:

Chairman Foley adjourned the hearing at 6:22pm.

SUBMITTED BY:

Justin C. Engle
Township Secretary