

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS**

**PUBLIC HEARING
Tuesday, August 12, 2014**

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The August 12, 2014 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:30 p.m. by John W. Foley, Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
Justin C. Engle, Secretary
John W. Foley, Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Also Present:

James N. Negley, Township Manager/Township Treasurer
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Rich Gamble, Tom Stang, Charleton Zimmerman

NEW BUSINESS:

The purpose of this hearing is to receive public comment regarding a request from Weis Markets, Inc. for an Inter-municipal Transfer of a restaurant Liquor License into Derry Township, Dauphin County.

Mark Kozar, Flaherty & O'Hara, Attorney for Weis Markets – Weis Markets is requesting a transfer of a liquor license from another municipality to their Weis store in Derry Township. Attorney Kozar stated that a liquor license can transfer from a municipality to any other municipality in Dauphin County as long as the receiving municipality requests it. Mr. Kozar gave a brief introduction of Weis Markets in general and their remodeled store in Hummelstown. Their new café will be opened from 7AM to 11PM, 7 days a week, with seating for 30. They will have in place a 100% carding policy and training for their associates. There will be a two beer limit for on premise consumption with an opportunity to purchase a six pack to take home. A specific register will be designated to handle all these transactions.

Vice-Chairman Moyer asked if Weis Markets already purchased this license from another municipality. Attorney Kozar replied that it is not purchased, but is under agreement. Vice-Chairman Moyer asked what the price is to purchase the license. Attorney Kozar said that he was not at liberty to say. Vice-Chairman asked if the acquisition price would be higher than what a resident of Derry Township would pay. Attorney Kozar said it would be the same price...in the ballpark within the County. There is a quota of one license per 3,000 residents. Once the quota is reached, a person would just apply directly to the licensing board.

Vice-Chairman Moyer asked if the Liquor License Board could give the license regardless of the decision Derry Township makes. Atty. Kozar said no that there has to be a resolution.

Supervisor Engle asked what stores in the area have a liquor license. The reply included Wegmans and Giant stores in Allentown and Lititz. Weis Markets currently has 20 stores that have a liquor license and six licenses approved, but not opened. The first Weis store to get a liquor license opened five or six years ago.

Will there be a seating area outside? Not at this store.

What protection is in place to prevent the sale of alcohol to minors? Every person who works there has to be trained and RAMP certified. The employee cannot sell beer until the customer's license is scanned and date of birth checked. There will be cameras throughout the store and in the parking lot.

Weis Markets has been around for over 100 years. They run their own Pharmacy with narcotics which is heavily regulated. They take all this responsibility very serious.

Vice-Chairman Moyer said he understands an extension cannot exceed 60 days if the Board were to request one. That is correct.

PUBLIC COMMENT

Rich Gamble, Hockersville Road – Mr. Gamble said Hershey is a family community town and Weis Markets is in an area that is like a funnel to Hersheypark. He believes we are opening another avenue for trouble. There are other places available to get beer such as a restaurant, etc.

Charleton Zimmerman, Palmdale – Mr. Zimmerman said he would like to have Chief O'Rourke's input before the Board makes a decision. The police department will be the ones to have to address the issues.

Tom Stang, 25 Boxwood Drive – Mr. Stang stated that Attorney Kozar said the liquor license is being transferred within Dauphin County from another venue and not Weis. He asked about the number of liquor licenses allowed in a municipality. Attorney Kozar said there is no maximum quota.

Mr. Stang asked if this would affect another person/place who would want to serve alcohol from getting a license. Attorney Kozar said the fact that Weis has a license would not affect anyone else from getting one.

Mr. Stang asked what the age limit for people to take RAMP training. Mr. Gill said the legal requirement to serve alcohol is 18, but Weis' policy is you have to be 21 or older.

Mr. Stang stated that he is not in favor of this, it could create a domino effect with other stores, and could cause more issues with the amount of traffic directed to the park. He does not see how this is beneficial to Derry Township.

Mr. Gill said that their paramount concern is safety and concern with underage sales or inappropriate sales. Weis Market has a stellar history with alcohol sales, tobacco and prescriptions. They have not had an incident requiring the police. It does not attract that type of customer. He believes this will be a convenience to the customers to have one stop shopping and drinks are limited.

Vice-Chairman Moyer asked if there will be table service in the café. Mr. Gill said there would not be; it would be more like cafeteria style. Vice-Chairman Moyer asked who would be monitoring the two beer limit while seated at the tables. Mr. Gill said it would be the person running the register, the manager for that restaurant, and the people stocking shelves. In addition, there is security on staff all the time and the cameras are monitored all the time. Vice-Chairman Moyer asked if somebody in the facility would accurately be monitoring the two beer limit. Mr. Gill said it would be monitored at all times.

Vice-Chairman Moyer shared that he received some comments from individuals not able to be here this evening. He would like to request an extension of 60 days and would prefer another public hearing to allow those individuals to attend.

Motion: Vice-Chairman Moyer moved that the Board of Supervisors communicate with the applicant and notify the applicant of the Board's desire for an extension of time not to exceed 60 days for consideration of this matter, and that the Board advertise and have another public hearing to provide Derry Township residents with ample opportunity for their input, is hereby approved. Supervisor Ballard seconded. *Motion carried, 5-0.*

ADJOURNMENT

Supervisor Engle moved to adjourn the meeting at 7:10 p.m. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary