

MINUTES

PUBLIC HEARING – APRIL 17, 2024

A Public Hearing of the Lower Swatara Township Board of Commissioners was held at the Lower Swatara Township Municipal Building on April 17, 2024 and called to order at 6:30 P.M. by President Jon G. Wilt.

Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, President
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Solicitor

- Absent: Ronald J. Paul, Assistant Secretary

Residents and visitors in attendance: (see attached sign-in sheet)

Solicitor Miller announced that tonight's Public Hearing involves a potential intermunicipal transfer of a liquor license (R-18453) into Lower Swatara Township from Keystone Apple (Applebee's Neighborhood Grill and Bar), 4401 Jonestown Road, Harrisburg, PA 17109. The applicant is Wawa, Inc., 1601 W. Harrisburg Pike, Middletown, PA. The Public Hearing has been properly advertised. Solicitor Miller asked Mr. Border to provide a copy of the advertisement to the applicant's transcriptionist as part of the record.

Ellen Freeman, attorney with Flaherty & O'Hara, stated her firm is representing Wawa in this request for transfer of a restaurant liquor license. This is not Wawa's first liquor license in Pennsylvania; it has 27 other liquor licenses it operates throughout the state. Wawa has built up safety protocols to make sure it is selling alcohol responsibly. Attorney Freeman explained that there is a 100% carding policy. "To-go" limitation on how much is sold in a single transaction is 192 fluid ounces of beer and 3000 millimeters of wine. Customers wishing to purchase more than that would need to exit the building, come back in and make a second transaction. Customers are permitted to make on-premises consumption since this must be allowed under a PA restaurant liquor license. The policy is that customers may consume one 12-oz. malt or brew beverage or one

8-oz. glass of wine. Consumption of alcohol can only be in the seating area which is in a location that can be easily monitored by staff. All associates that work in the store, assuming this liquor license is granted, will be trained in the responsible alcohol management program.

Attorney Freeman circulated Exhibit A1, the proposed floor plan, and highlighted the licensed areas, the seating plan, and how they will be monitored and secured. Alcohol sales, as per liquor code requirements, will be limited to Monday through Saturday from 7AM to 2AM and on Sunday from 9AM to 2AM, with wine sales ceasing at 11 PM.

BOARD COMMENTS:

Commissioner Davies stated the plan provided details 22 seats yet states that the seating area will be 30 seats. Attorney Freeman explained that booths also count as seating.

In response to a concern expressed from President Wilt, Attorney Freeman explained that in accordance with liquor code requirements, anyone who is consuming alcohol in the seating area will be monitored and anyone sitting with someone who is consuming alcohol will also be carded.

Commissioner DeHart noted this facility will be close to Penn State, which will generate a lot of traffic. Attorney Freeman agreed this makes it an ideal location but added that Wawa is outfitting all its new stores for beer sales, since this is a trend in Pennsylvania. Commissioner DeHart asked the frequency of the employee training. Attorney Freeman explained that it is done within six weeks of the store opening, and then retraining is held every two years. Wawa does have quite a bit of employee rotation since it has so many stores in a small area, and every time they rotate, employees go through a training policy with that store.

Vice President Truntz asked if this is LCB training. Attorney Freeman responded that the RAMP is LCB training, and Wawa has hired a RAMP certified instructor also trained on their internal policies. Vice President Truntz also questioned the Township's role procedurally, since the LCB approves the license. Solicitor Miller explained the Township is approving the transfer of the license from outside the municipality into this one. Attorney Freeman added this is based on population; every municipality is permitted one license per 3,000 residents. Lower Swatara Township is at quota at three. The fourth license, which would be Wawa's license, would be over that quota, requiring municipal approval.

PUBLIC COMMENTS:


Dale Messick, 101 Greenfield Drive, stated that the more places someone can buy alcohol, the more chances of problems in the community.

Solicitor Miller added that Wawa has offered to reimburse the Township for expenses relative to this hearing.

CLOSE:

Hearing no other testimony, a motion was made by Commissioner Davies, seconded by Vice President Truntz, to close the Public Hearing. The motion was unanimously approved, and the Public Hearing closed at 6:47 P.M.

ATTEST:



Jean R. Arroyo, Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS
APRIL 17, 2024 PUBLIC HEARING (6:30 PM)
&
LEGISLATIVE MEETING (7:00 PM)

Name/Organization	Address/Contact Information
Ellen Freeman, Flaherty O'Hara PC	317 E Carson St., Ste 333, Pittsburgh, PA 15319
Dale Messick	Res. Dist 101 Greenfield Dr.
Julie Colello	1 Greenfield Dr.
Tom Fisher	Farmhouse Lane
Sean Taylor	FDLS
Zach Michalski, Warehaus	231 231 N George St, York, PA 17401
Dave Koratich, Warehaus	↑ ↑
Wm Kinsler, VAJDA	
Scott Cousin / CRA	
Mike Krowinski / KAW	
Catherine Hunter	MASD
Bill Meiser	"
Norman R Faege	
ANN KINSEY	1372 PHEASANT RUN DR
Dave White	3 Greenfield Dr.