

OCTOBER 30, 2019
WAYNESBORO, PA 17268
PUBLIC HEARING

Council President C. Harold Mumma called the public hearing of the Waynesboro Borough Council to order at 6:00 p.m. with the following in attendance:

Borough Council Members – Jarred Knott, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Dade Royer and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Sam Wiser, Borough Solicitor
Kevin Grubbs, Head of Engineering Services
S. Leiter Pryor, Director of Utilities

President Mumma noted that the purpose of the public hearing was to receive public comment concerning an application for approval of an Inter-Municipal Transfer of Pennsylvania Restaurant Liquor License Number R-32343. The license is currently registered to BMH Investments, LLC t/a Good Ta Go, 1640 Orchard Drive, Suite 1, Chambersburg, PA, and is proposed to be transferred to Giant Food Stores, LLC to be located at 708 East Main Street, Waynesboro, PA 17268. The Borough Council will hold a public meeting subsequent to the public hearing to act upon the request for transfer of the liquor license and to conduct other business as may be necessary.

Solicitor Wiser advised that representatives of the applicant (Ellen Freeman of Flaherty & O'Hara of Pittsburgh, PA and Colin Heap, Giant's Manager of Special Projects) were in attendance.

Ms. Freeman explained that, on behalf of Giant Food Stores, LLC, they are requesting a resolution from Waynesboro Borough Council approving the inter-municipal transfer of a PA "R" or "restaurant" liquor license from outside the municipality into Waynesboro Borough. The restaurant liquor license would be used by the Giant (Martin's) located at 708 East Main Street. Giant's intentions are to sell both beer, referred to in the Liquor Code as malt and/or brewed beverages, and wine for on-premises consumption and "to go" at this location. She distributed copies of a proposed floor plan showing their planned remodeling of a section of their existing grocery store in order to operate a beer garden and eatery.

Ms. Freeman noted that Giant Food Stores currently owns and operates 105 stores in PA with liquor licenses, maintaining a perfect record (i.e. they have never been cited by the Liquor Control Board for any legal infractions). She explained that strict policies and procedures will be in place at the store and, in particular, in the section where alcohol

will be sold/consumed. Giant has a 100% carding policy, and all ID's are scanned to confirm validity and determine the customer's age. Each associate who would work with alcohol sales will be required to receive RAMP (Responsible Alcohol Management Program) training. Sales would be limited to approximately two (2) six-packs of beer or four (4) standard bottles of wine per transaction. Security cameras will be utilized, and alcohol sales will be limited to Monday thru Saturday, 7 a.m. to 10 p.m. and Sunday, 9 a.m. to 10 p.m. At 10 p.m. each night, all cold beer doors will be locked and the aisles roped off in this section. On-premise consumption (described as two standard pours) would be allowed, but only if the customer purchases a meal option.

Councilman Cermak asked if minors would be permitted to sit at a table with an adult who is having a meal with alcohol. Ms. Freeman replied affirmatively.

Mayor Starliper discussed the close proximity of the store to the schools and YMCA. Mr. Heap commented that Giant has experienced no issues with other similar locations. He added that customers like the convenience of being able to purchase beer/wine while also purchasing grocery items. Ms. Freeman also noted that her firm deals only with liquor licenses, and many licenses are granted to businesses close to schools, YMCA's and churches. The Liquor Control Board will take that into consideration; and if they determine it to be a deterrent, they have the discretionary power to deny the application. She also stated that bars and restaurants have higher "rap sheets" than grocery stores.

Comments/questions from the public were then requested.

Judy MacMichael, 115 S. Broad Street – Ms. MacMichael noted that she is a certified bartender and voiced her concerns. Because of the close proximity to the Middle School, students frequent the store during after-school hours and employees have to watch kids with backpacks (in terms of shoplifting). In addition, many of the employees are young adults and/or teenagers, and she is concerned that they may not adequately check ID's (even though the ID is scanned for validity, it may not belong to the individual who is presenting it). Also, she noted that there are already 15 liquor licenses in Waynesboro and several convenience stores sell beer/wine ... she feels that is enough.

Wayne Bartholow, 35 N. Grant Street - Mr. Bartholow asked the location of the nearest Martins/Giant to Waynesboro that has this type of service, as he would like to visit it. It was noted there is one on Norland Avenue in Chambersburg.

Steve Monn, 126 W. Main Street - Mr. Monn stated that this request doesn't seem to be anything new to Waynesboro other than the fact that it is a Martin's. He added that there is already a liquor store near the Middle School, so this location wouldn't be any different. He cautioned Council that if they decide to turn this request down, they could run the risk of losing Martin's (and the tax base that goes with it) in the future.

There being no further comments from Council or the public, the hearing was closed at 6:24 p.m. President Mumma stated that the matter is on Council's agenda for a vote at the regular meeting this evening.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary