

**MINUTES OF THE PUBLIC HEARING OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS**

July 5, 2016

A Public Hearing was held by the Annville Township Board of Commissioners starting at 7:00 PM on July 5, 2016 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA for purposes of receiving comments and recommendations of interested individuals residing within Annville Township concerning the proposal of 18 East Main, Inc., to transfer Retail Restaurant Liquor License No. R-11724 to the premises at 18 East Main Street, Annville (Just Wing It).

The following members were present: Rex A. Moore, President; James W. Scott, Vice President; Thomas R. Embich, Treasurer; Henri B. Lively; and Joann F. Zimmerman. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Bernard Dugan, Chief of Police; Timothy D. Sheffey and Corey Lamoureux, office of the Township Solicitor; Merriell Moyer, *The Lebanon Daily News*; Nikki Meyer, 18 East Main, Inc.; and Steven Nicholas, attorney representing 18 East Main, Inc.

President Moore called the Public Hearing to order and led those present in the Pledge of Allegiance to the flag of the United States of America, after which it was noted that the hearing had been advertised according to law.

Warren Sellers, East Queen Street, arrived at the Public Hearing at 7:02 PM.

Steven Nicholas, the attorney representing 18 East Main, Inc., asked to address the Board. He began by thanking the Board for the opportunity to make the presentation before providing a brief overview of the history and procedures currently in place for the transfer of a liquor license in Pennsylvania, noting that such transfers are a two step process, with the municipality's role being to allow or deny an interested party to apply to the Pennsylvania Liquor Control Board (PLCB) for a transfer. Mr. Nicholas indicated the license for which a transfer is being requested is currently issued to Tate Spirit, LLC for use in the City of Lebanon. He noted that this business is currently closed, the license is not currently in use, and Nikki Meyer—who is the sole shareholder, director, and officer of 18 East Main, Inc.—is not related to the seller of the license. Mr. Nicholas then shared information on the nature of Just Wing It (the business at 18 East Main Street), the type of alcohol it would plan on providing if the license were transferred, the measures it would take to mitigate potential problems associated with serving alcohol, and Ms. Meyer's involvement with Just Wing It and her good moral character. He asked the Board to consider adopting a resolution during its Regular Meeting later in the evening approving the application of 18 East Main, Inc. to the PLCB for this transfer and then inquired if the Commissioners had any questions for him or Ms. Meyer.

Mr. Lamoureux began the questioning by asking if Ms. Meyer anticipated bringing on any partners for 18 East Main, Inc. at some point in the future and Mr. Nicholas indicated that was not anticipated, further noting that the license would need to be readvertised should its holder experience a change in its majority financial interest. Mr. Nicholas then shared several free posters issued by the PLCB that he encouraged all license applicants to hang in their serving areas pertaining to underage drinking of alcohol. Mr. Lamoureux asked if Mr. Nicholas has discussed the hanging of these posters with Ms. Meyer and Mr. Nicholas indicated that he has done so several times. Pertaining to Mr. Nicholas's earlier explanation of measures intended to ensure that individuals under 21 would not be served alcohol, President Moore asked if those

under 21 would only be admitted to the restaurant if accompanied by parents. Mr. Nicholas indicated the cutoff age was actually 18, and he stated the restaurant would try to keep them out. Chairperson Moore asked for clarification on what he meant by "try", and Mr. Nicholas indicated the restaurant would regulate this effectively based upon the safeguards it would put in place. Pertaining to a hypothetical scenario posed by Chairperson Moore in which several underage customers who were not accompanied by parents entered the restaurant for wings, Mr. Nicholas indicated they would be admitted. The latter did note the restaurant would be participating in the PLCB's Responsible Alcohol Management Program (RAMP) and that this should greatly mitigate the risk of serving customers under 21 years of age, and Mr. Nicholas then described some details of the program to the Board. Mr. Lamoureux asked if the restaurant's servers would be pursuing TIPS (Training for Intervention ProcedureS) certification and Mr. Nicholas indicated that would be part of the RAMP process. Mr. Lamoureux then reviewed Just Wing It's current hours of operation and asked if these would change should a liquor license be granted; Ms. Meyer responded that the hours for Friday and Saturday evenings would likely be marginally lengthened. Mr. Lamoureux inquired as to the types of alcohol Just Wing It wished to serve and Ms. Meyer stressed that the restaurant wished to primarily be seen as a wing establishment and not a bar. Noting some customers have expressed surprise that Just Wing It does not currently provide alcohol and that this has led to the loss of some patrons, Ms. Meyer expressed her desire to provide approximately 20 beers on tap while also selling bottled beers. Mr. Lamoureux asked if liquor would be sold, as well, and Ms. Meyer indicated that would be likely, but would not be the main focus of the restaurant.

Ron Dowey, Union Hose Fire Company, arrived at the Public Hearing at 7:24 PM.

Mr. Lamoureux next inquired about Ms. Meyer's experience pertaining to the service of alcohol. He asked if she owned another establishment and she indicated she did not. He then asked about her past involvement serving alcohol and Ms. Meyer stated she worked for approximately five years as a server and bartender at the Blue Bird Inn in Cornwall. Mr. Lamoureux asked if an expansion of the existing bar area at Just Wing It was planned and Ms. Meyer indicated it was not.

Mr. Lamoureux next inquired about Ms. Meyer's oversight at Just Wing It. He asked if there were other managers on the premises and she indicated she was the only manager at present. Mr. Lamoureux asked how many persons were currently employed at the restaurant and, of that number, how many persons were under 21 years of age. Ms. Meyer stated that Just Wing It currently employed approximately 8 to 10 persons and all were 21 years of age or older; she further noted that when college was in session two employees had been 20 years of age, although they were not presently working at the restaurant. Mr. Lamoureux inquired whether any employees had criminal records and Ms. Meyer indicated she was not aware of any such criminal history among her staff.

Mr. Lively asked if Just Wing It currently allowed for BYOB (Bring Your Own Bottle) and Ms. Meyer indicated it did, and that this was adequate for some customers. Mr. Lamoureux asked if the granting of a liquor license was primarily to generate more patrons and, by extension, more income, and Ms. Meyer concurred; she stated that most customers expected to have alcohol


provided on site in conjunction with wings. He then asked if there would be outdoor seating and Ms. Meyer indicated that was not currently the case and was not planned.

Ms. Zimmerman expressed a concern about an increase in noise, especially from college students attending the restaurant, should such a license be granted. Ms. Meyer responded by explaining the restaurant's procedures of carding patrons, to which Ms. Zimmerman asked for details on how Just Wing It would regulate the behavior of customers both inside and outside of the establishment who were of legal drinking age. Ms. Meyer indicated that thus far Just Wing It has had no such problems; Ms. Zimmerman replied that Just Wing It was also not presently serving alcohol, and she was interested in how this would be regulated once alcohol was served. In response, Ms. Meyer shared the steps she would take to remove rowdy customers from the premises. Mr. Lamoureux asked if training would be provided to employees on recognizing and addressing customers who have had too much to drink and Ms. Meyer indicated that the RAMP training would include this. He then asked if there would be live music on the premises and Ms. Meyer indicated there was not at present and she did not plan on it in the future due to the significant number of televisions at the restaurant. Mr. Nicholas added that he recommended all applicants for a liquor license also apply for an amusement license in case music should be provided at a later date. Ms. Zimmerman expressed her concern that, should the liquor license be granted, the anticipated ages of patrons would effectively turn the restaurant into a bar. Ms. Meyer indicated that was not her intent, and Mr. Nicholas added that serving alcohol was primarily for the convenience of parents who wished to attend the restaurant with their children. He also shared that the establishment would remain nonsmoking.


Mr. Embich asked why it was necessary to introduce another liquor license into Annville. Ms. Meyer indicated it would be for the convenience of her customers while generating income for Just Wing It, and she stressed her goal was not to turn it into a bar. Mr. Embich shared that there were currently seven establishments holding liquor licenses in Annville for a population of 4,767 and asked why the Township should authorize an eighth largely for the benefit of Just Wing It's profit margin. Ms. Meyer stated that was not her only intent for making the request. Mr. Lamoureux then asked if she had any association with Just Wing It in the City of Lebanon. Ms. Meyer indicated she previously worked there and learned much about operating a wing establishment while there but that she is no longer directly associated with it. Mr. Lamoureux inquired as to the owner of Just Wing It in Lebanon and was informed by Ms. Meyer that Christopher Behney is its owner. Mr. Lamoureux asked if Mr. Behney was associated with Just Wing It in Annville and Ms. Meyer indicated that he was not presently, while noting that he previously worked at the Annville location and helped her to get it established.

With no further comments noted from the Board, President Moore asked if there were any public comments from those in attendance. Mr. Dowey asked to address the Board and, pertaining to Mr. Embich's earlier comments on the number of establishments in the Township that currently hold liquor licenses, he noted that three of the seven are private clubs that require membership of their patrons. Mr. Dowey also share that he enjoyed drinking beer with wings and, as a taxpayer, would like the opportunity to enjoy both at an establishment in the Township.

Hearing no further questions or comments, President Moore asked for a motion to close the Public Hearing. **MOTION** by Mr. Scott, second by Ms. Zimmerman to close the Public Hearing. Motion carried unanimously and the hearing was declared closed at 7:39 PM.



Nicholas T. Yingst, Secretary



Rex A. Moore, President