

August 27, 2007

The East Lampeter Township Board of Supervisors held a special meeting on Monday, August 27, 2007 at 7:00p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The purpose of the meeting was to conduct a public hearing on a request to transfer a Restaurant Liquor License into East Lampeter Township. Supervisors present were: Mr. Glenn Eberly, Chairman, Mr. David Buckwalter, Vice Chairman, Mr. Michael Landis, Mr. Roger Rutt and Mr. Wilbur Sollenberger. Also present was Stephen M. Kraybill, Township Solicitor and Mr. Ralph Hutchison, Township Manager.

The meeting was called to order by Chairman Eberly. Solicitor Kraybill then reviewed the purpose of the public hearing and how the hearing would be conducted. He also indicated that the state law was recently changed to permit the Township Board of Supervisors to make decisions on proposals to transfer liquor licenses from locations outside of the Township to locations inside of the Township. He further indicated that the Board's decision must be made in the form of a Resolution and must be made within forty-five (45) days from the date when the application was submitted unless the Board chooses to exercise its right to extend that time period for up to an additional sixty (60) days. He said that the applicant could then proceed with their presentation.

Mr. Stanley J. Wolowski, Esq. was in attendance to represent the applicant, GMR Restaurants of Pennsylvania, Inc. Also present for the applicant were Ms. Laurie Carlisle, Director of Operations and Mr. Bruce Leader, Restaurant Manager.

Mr. Wolowski indicated that GMR Restaurants plans to open an Olive Garden Restaurant in the Rockvale Square Shopping Center located at the intersection of Hartman Bridge Road and Rt. 30. Mr. Wolowski also stated that the applicant would like to sell alcoholic beverages as a complement to a meal served at the Olive Garden. He further indicated that GMR Restaurants has entered into an agreement to purchase a Restaurant Liquor License which is currently located in Leacock Township, Lancaster County. He stated that GMR would like to transfer the Restaurant Liquor License from this location in Leacock Township to East Lampeter Township for use at their proposed Olive Garden Restaurant in Rockvale Square. He explained that he, Ms. Carlisle and Mr. Leader are present to request that the Board of Supervisors approve a Resolution to authorize the transfer of this liquor license.

Mr. Wolowski then presented the Board with information regarding GMR Restaurants Inc., Olive Garden Restaurants and the particular location proposed for an Olive Garden Restaurant in East Lampeter. The exhibits given to the Board members included a distance restriction plan, exterior and interior photographs of typical Olive Garden Restaurants, Olive Garden Restaurant menus and a memo used in State College Borough, Pennsylvania. Mr. Wolowski then indicated that Darden Restaurants owns GMR Restaurants, Inc. of Pennsylvania and would ultimately be the ownership interest involved in the proposed Olive Garden Restaurant. He also said that Olive Garden

Restaurants are family oriented, full service, casual dining restaurants serving Italian food in an atmosphere which appeals to all ages.

Mr. Wolowski then reviewed the distance restriction plan showing the Rockvale Square area and the location of the proposed restaurant. He stated that the area is commercial and generally oriented towards tourists. He indicated that there are no churches, schools or residences in the immediate vicinity of the proposed restaurant location and therefore the restaurant will not disrupt the lives of Township residents. Mr. Wolowski then reviewed the photographs given to the Board. He stated that the restaurant would be 7,399 square feet in size and include a small bar area with 11 bar stools and a large dining room. He also indicated that the dining room would include tables, chairs and booths to accommodate up to 246 patrons.

Mr. Wolowski then reviewed the Olive Garden Restaurant menus given to the Board. He said that the menu offers a wide variety of freshly made foods. He further indicated that all items on the menu are available for take out service. He also stated that a large proportion of the patrons at an Olive Garden Restaurant are families. He stated that the focus of the Olive Garden Restaurant operation is on the sale of food and that the purpose of selling alcoholic beverages at the restaurant is to complement the meal. He also stated that the bar area is used primarily as an extension of the dining room and waiting area of the restaurant. Mr. Wolowski indicated that 91% of sales at the 28 Olive Garden Restaurants in Pennsylvania are from the sale of food. He further stated that the restaurant will not operate in any way similar to a bar in that it will not have entertainment, sell beer to go or conduct "Happy Hours". He also indicated that the hours of operation for the restaurant will be 11 am opening daily and 10 pm closing Sunday through Thursday, 11 pm closing on Friday and Saturday. He further stated that the restaurant would employ approximately 120 people.

Mr. Wolowski stated that Olive Garden employees are trained in the responsible sale and service of alcoholic beverages. He also indicated that it is Olive Garden policy that patrons who appear to be intoxicated are not served any alcoholic beverages and that all patrons who appear to be thirty years of age or younger must provide proof of age before being served any alcoholic beverage.

Mr. Wolowski said that the operation of this Olive Garden Restaurant will not negatively or adversely affect East Lampeter Township or its residents. He also said that this restaurant will not place any additional demands on the Township Police Department. He then reviewed a copy of a memo from State College Borough which he said indicates that police activity at bars in State College is much greater than police activity at restaurants that serve alcohol.

Mr. Wolowski then concluded by saying that the proposed Olive Garden Restaurant will be operated by a reputable and responsible company. He further stated that it will be a genuine restaurant focusing on the sale of food and will not adversely affect the municipality or its residents. In addition, he said that the proposed restaurant would provide jobs to the area, Township revenue enhancement and another dining

accommodation for the residents and visitors to the area. Finally, he asked the Board to adopt a Resolution to permit the transfer of a restaurant liquor license into East Lampeter Township for the proposed Olive Garden Restaurant. In addition, he requested that the Board make their decision at the conclusion of the public hearing that evening. He thanked the Board for the opportunity to make his presentation and indicated that he and the other restaurant representatives would answer any questions.

Township Manager Mr. Hutchison then presented the Board members with a copy of the Liquor License Transfer application submitted by GMR Restaurants, a copy of the proof of publication for the hearing notice, a map showing the location of all liquor licenses currently existing in East Lampeter Township and statistical information prepared by Chief Bowman regarding the number of DUI arrests in the Township over the last three years.

Mr. Hutchison then reviewed the information provided by the applicant on the transfer application form. He then asked if there would be any signs on the exterior of the restaurant indicating the sale of alcohol. Mr. Wolowski said that there would not be any signs of that nature. Mr. Hutchison asked if any alcoholic beverages would be sold for take out. Mr. Wolowski said that there would not be any take out sales of alcohol. Mr. Hutchison then asked if the restaurant employees are required to have Responsible Alcohol Management Program training as sponsored by the PA Liquor Control Board. Ms. Carlisle indicated that they do not typically follow that training program but that if it is required in a particular location they will do it.

Mr. Hutchison then asked the applicant to describe the occasions and circumstances which have occurred in the past where the applicant and / or their employees have been cited for violations of the liquor code. Mr. Wolowski described a small number of times when GMR was cited for liquor law violations.

Mr. Hutchison also asked if the applicant was aware that the liquor license for the Fuddruckers Restaurant in East Lampeter Township was for sale. Mr. Wolowski indicated that he was not aware of that and that GMR had been in contact with a liquor license broker who indicated to GMR that there were no East Lampeter Township licenses available. Mr. Wolowski also indicated that it would have been beneficial to GMR Restaurants if they had been able to acquire a license within the Township in order to avoid the time and expense associated with the transfer process.

Mr. Hutchison asked the applicant to explain how Township revenues would be enhanced by the transfer of the liquor license as proposed. Mr. Wolowski stated that he could not say specifically but that he assumed that real estate taxes and earned income taxes from employees who live in the Township would increase because of the proposed Olive Garden Restaurant. Ms. Carlisle also indicated that the Olive Garden Restaurant tries to be involved in efforts to support the local community. Mr. Hutchison asked if those community involvement efforts could include support of DUI enforcement efforts. Ms. Carlisle said that it could.

Mr. Hutchison then indicated that he had been contacted by Mr. Pete Skiadas who controls the liquor license located at the existing Fuddruckers Restaurant in East Lampeter Township. He further indicated that it is his understanding that this liquor license is available for purchase. He also said that he felt that Mr. Skiadas' direct testimony to the Board regarding this license would be valuable, but that he understands that Mr. Skiadas was out of the country at the time of the hearing. Mr. Hutchison then suggested that the Board consider continuing the hearing to a time when Mr. Skiadas would be available to address the Board.

Mr. Nick Skiadas then indicated to the Board that his father Pete Skiadas and his uncle Harry Keares controlled the Fuddruckers liquor license and that they would return to the area sometime in September. Mr. Eberly asked Mr. Skiadas if he was aware of the conditions related to this license. Mr. Skiadas said that he is aware that it is for sale and that he believes that negotiations had been taking place with representatives of Olive Garden.

Mr. Buckwalter indicated that Lancaster County was recently identified as having the highest number of alcohol related traffic fatalities in Pennsylvania. He further indicated that he is concerned about this and the possibility of adding another license in East Lampeter especially when there may be one available within the Township.

Mr. Eberly indicated that he shared Mr. Buckwalter's concerns.

Mr. Landis indicated that the statistical information provided by the Township's Chief of Police shows a significant increase in DUI arrests in the Township in 2007. He further suggested that the Olive Garden should pursue the opportunity to obtain the license from Mr. Skiadas before requesting to transfer another license into East Lampeter.

Solicitor Kraybill then asked the applicant if they had an objection to continuing the hearing for the purpose of giving the applicant more time and to provide an opportunity to hear from Mr. Skiadas regarding the liquor license that he is controlling. Mr. Wolowski said that he is concerned about meeting Olive Garden's schedule and would prefer to have this matter resolved in September. Mr. Eberly asked Mr. Nick Skiadas if he could facilitate communication between his father and Mr. Wolowski in an effort to resolve the acquisition of that liquor license before October first. Mr. Skiadas said that he could act as a conduit for communications with his father.

There was additional discussion regarding the timing of a continued hearing and the possibility that the application could be withdrawn if there is an agreement on the purchase of a license from within East Lampeter Township.

Mr. Buckwalter then made a motion to extend the time available to the Board to make a decision on the liquor license transfer by sixty (60) days and to continue the public hearing on this matter to October 1, 2007 if it has not been withdrawn prior to that date. Mr. Rutt seconded the motion. The motion passed by unanimous voice vote.

The meeting adjourned at 7:50 pm.