

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
LIQUOR CONTROL COMMITTEE

MUNICIPAL COMPLEX
TOWNSHIP OF DERRY
HERSHEY, PENNSYLVANIA

PUBLIC HEARING ON
ESTABLISHMENTS/RESORTS WITH MULTIPLE LICENSES

TUESDAY, AUGUST 10, 2010
10:03 A.M.

BEFORE:

HONORABLE ROBERT C. DONATUCCI, MAJORITY CHAIRMAN
HONORABLE PAUL COSTA
HONORABLE FRANK BURNS
HONORABLE R. TED HARHAI
HONORABLE MICHAEL H. O'BRIEN
HONORABLE DANTE SANTONI, JR.
HONORABLE RONALD G. WATERS
HONORABLE JOHN TAYLOR, MINORITY CHAIRMAN
HONORABLE NICK MICCARELLI
HONORABLE T. MARK MUSTIO
HONORABLE JOHN D. PAYNE
HONORABLE STEPHEN BARRAR
HONORABLE DONNA OBERLANDER
HONORABLE JEFFREY P. PYLE
HONORABLE CURTIS G. SONNEY
HONORABLE KATHARINE M. WATSON

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1 ALSO PRESENT:

2 HONORABLE NICK KOTIK
3 HONORABLE JOHN R. EVANS

4 LYNN BENKA-DAVIES, EXECUTIVE DIRECTOR, (D)
5 ANDREW MOSER, RESEARCH ANALYST (D)
6 MARCIA LAMPMAN, EXECUTIVE DIRECTOR (R)

7 BRENDA J. PARDUN, RPR
8 REPORTER - NOTARY PUBLIC

1	INDEX	
2	NAME	PAGE
3	OPENING AND INTRODUCTIONS	4
4	REPRESENTATIVE COSTA	5
5	MAJORITY CHAIRMAN	
	SUBCOMMITTEE ON LICENSING	
6	REPRESENTATIVE PAYNE	6
7	MINORITY CHAIRMAN	
	SUBCOMMITTEE ON LICENSING	
8	JERRY WATERS, SR.	7
9	DIRECTOR, OFFICE OF REGULATORY AFFAIRS	
	PENNSYLVANIA LIQUOR CONTROL BOARD	
10	GARRETT GALLIA	27
11	ASSOCIATE VICE PRESIDENT	
	PUBLIC AFFAIRS	
12	HERSHEY ENTERTAINMENT AND RESORTS COMPANY	
13	JENNIFER L. KRAMER, ESQUIRE	51
	ASSOCIATE COUNSEL, ASSISTANT SECRETARY	
14	HERSHEY ENTERTAINMENT AND RESORTS COMPANY	
15	CHRISTOPHER L. HERRINGTON	52
16	DEPUTY CHIEF COUNSEL	
	LEGISLATIVE, REGULATORY AND GENERAL MATTERS	
17	PENNSYLVANIA LIQUOR CONTROL BOARD	
18	CLOSINGS REMARKS	54
19		
20		
21		
22		
23		
24		
25		

P R O C E E D I N G S

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CHAIRMAN DONATUCCI: Good morning. I'm Rep. Robert Donatucci from Philadelphia and Delaware Counties. I'm the chair of the Liquor Committee.

I'm going to call the informational meeting to order.

On that note, before I turn it over to the two subchairmen, Rep. Costa and Rep. Payne, I want the members who are here to identify themselves. I know they're all over. I will start on my right with Rep. Santoni.

REP. SANTONI: Good morning. I'm Rep. Dante Santoni from Berks County.

REP. SONNEY: Good morning. I'm Rep. Curt Sonney from Erie County.

REP. COSTA: Good morning. Paul Costa from Allegheny County.

REP. PAYNE: Good morning. Rep. John Payne from Derry Township here in Hershey.

REP. TAYLOR: I'm Rep. John Taylor from Philadelphia.

REP. KOTIK: Rep. Nick Kotik, Allegheny County.

1 REP. BURNS: Rep. Frank Burns, Cambria
2 and Somerset Counties.

3 REP. OBERLANDER: Donna Oberlander,
4 Clarion and Armstrong Counties.

5 REP. BARRAR: Rep. Steve Barrar from
6 Chester and Delaware.

7 REP. WATSON: Rep. Kathy Watson from
8 Bucks County.

9 REP. EVANS: Rep. John Evans from Erie
10 County.

11 REP. MICCARELLI: Rep. Nick Miccarelli
12 from Delaware County.

13 REP. PYLE: Good morning. Rep. Jeff
14 Pyle, 60th District, Armstrong and Indiana County.

15 CHAIRMAN DONATUCCI: On that note, I'll
16 turn it over to the two subchairmen.

17 Rep. Costa.

18 REP. COSTA: Thank you, Mr. Chairman.

19 Before we start, I wanted to thank
20 Chairman Donatucci and Chairman Taylor for allowing
21 Rep. Payne and I to have these hearings. John and
22 I have been talking for over a year, trying to pull
23 together some -- we are obviously the subcommittee
24 chairs on licensing, and we've been trying for over
25 a year to coordinate events. And I just want to

1 thank you, Mr. Chairman, for allowing us to do
2 that. And I want to thank all the members for
3 showing up this morning.

4 But in the spirit of, I guess,
5 bipartisanship and comradery, since this is John's
6 district, I would like to turn it over to John.

7 REP. PAYNE: Thank you, Representative.

8 And I'll echo Paul's comments. I think
9 it bodes well for the public to understand that it
10 is not Republican against Democratic persons. On
11 our committees, we are all one. We're all here for
12 the benefit of the people. We're all here to try
13 to get the issues and the legislation that we have
14 before us, to get public input and then move that
15 legislation.

16 And I, too, want to thank Chairman
17 Donatucci and Chairman Taylor and my good friend
18 and colleague, Paul, for having the hearing here in
19 Hershey.

20 So official welcome to everybody in the
21 audience to the hundred sixth district, Derry
22 Township, Hershey. Home to not only the best
23 chocolate company in the world, and, yes, we still
24 make Hershey bars here in Hershey. There are three
25 plants, so a lot's been said about the one plant

1 that's closing, but there are two plants working
2 and one new plant under construction. So that's
3 good news. Also home to Hersheypark and all the
4 tourist and hotel provisions that we have. And
5 last but certainly not least, we're home to Penn
6 State Hershey Medical Center, a world renowned
7 medical facility right here in Derry Township.

8 So thanks very much for being here. I
9 appreciate it.

10 And, Paul, I'm going to turn it back to
11 you to call our first testifier.

12 REP. COSTA: Thank you, John.

13 As you can see by the agenda, our first
14 testifier is John Waters, the director -- I'm
15 sorry, Jerry Waters. I don't know why I called you
16 John. Jerry Waters is the director of the
17 regulatory affairs.

18 And, Jerry, thank you very much for
19 being here.

20 As all the members here know and
21 hopefully the public knows, you guys have been very
22 responsive to our request, especially the last
23 month I have been hounding you, but I want to thank
24 you for being here today.

25 MR. WATERS: Chairman Donatucci,

1 Chairman Taylor, subcommittee chairmen, members of
2 the House Liquor Control Committee, good morning.
3 And I thank you for this opportunity to appear
4 before you to offer whatever assistance I can
5 regarding your consideration of the matter in which
6 resort facilities should be licensed by the
7 PA Liquor Control Board.

8 However, I would be remiss if I didn't
9 say, as a product of the Milton Hershey School,
10 it's always good to be in Derry Township, Hershey,
11 PA, a place that I call home.

12 As many of you know, my name is Jerry
13 Waters, and I'm the director of the Office of
14 Regulatory Affairs for the board. I'm responsible
15 for supervising the overall planning, organization,
16 coordination, and direction of the operations and
17 management activities for the bureaus of licensing,
18 alcohol education, and the consumer affairs office.

19 Please allow me first to provide you
20 with the relevant statutory and regulatory
21 framework regarding the topic of today's meeting.
22 In order to sell alcohol to consumers for
23 consumption on the licensed premises, an
24 establishment must acquire a license to do so from
25 the board. These licenses are typically either a

1 restaurant or hotel license, and less typically a
2 club license, available only to nonprofit clubs, or
3 an eating place, retail dispensary, which can only
4 sell beer.

5 There is a limit or quota to the number
6 of restaurant, retail dispensers, and club licenses
7 that can be issued in a county, so, typically, an
8 establishment must purchase a license from an
9 individual or entity which already holds a
10 license. There are exceptions to this rule for
11 hotel licenses, and for certain entities to this
12 rule that apply for restaurant, club, and eating
13 place, dispenser license, such as a golf course,
14 performing arts facilities, and public venues.

15 An applicant for a license must
16 designate the specific areas of the premises to be
17 utilized for storage, sales, and service of
18 alcoholic beverages. The storage, sales, and
19 service of alcohol must occur on the designated
20 areas unless the license holder has been granted
21 additional privileges by the general assembly via
22 the Liquor Code.

23 For example, a hotel or restaurant
24 liquor license in a hotel may provide alcohol
25 service to hotel guests in their rooms even though

1 the rooms are not licensed. In addition, a
2 restaurant or club license located on a golf course
3 may provide alcohol on both the licensed and the
4 unlicensed portions of the golf course so long as
5 the alcohol remains on the course.

6 Moreover, a restaurant licensee located
7 under the same roof as a bowling center may provide
8 alcohol to the unlicensed bowling center.

9 Further, the gaming act allows the
10 holder of both a slots license and a liquor license
11 to provide alcohol on both the licensed and
12 unlicensed portions of the gaming facility.

13 As to the limitations on what areas may
14 be licensed, typically the areas are on a single
15 tract of land under the control of the licensee,
16 with no intervening public thoroughfares. A
17 licensee who wishes to increase the area subject to
18 the license may file an application to do so, and
19 while the board has discretion in whether to
20 approve the application, typically the subject area
21 must be located on the same tract of land as the
22 existing licensed areas, with no intervening public
23 thoroughfares.

24 In addition, Section 406.1 of the
25 Liquor Code allows the board to approve the

1 extension of a restaurant, hotel, club, municipal
2 golf course liquor license, or a manufacturer of
3 malt beverages, brewed beverages, to include a
4 secondary service area with dimensions at least one
5 hundred seventy-five square feet, enclosed on three
6 sides, and with adequate seating. The secondary
7 service area must be located on the property having
8 a minimum area of one acre, and although it need
9 not physically be connected to the original
10 licensed premises, it must be on land which is
11 immediate, abutting, adjacent, or contiguous to the
12 licensed premises, with no intervening public
13 thoroughfare.

14 The original licensed premises and the
15 secondary service area must typically be located on
16 the same tract of land.

17 Finally, if you are interested, the
18 Liquor Code defines "tract" as a continuous
19 expansion of land under the control of one person.

20 Further, while term thoroughfare is not
21 defined by the Liquor Code, the PA Commonwealth
22 Court has defined thoroughfare as a street that
23 goes through from one street to another, an
24 unobstructed way open to the public, or as a street
25 or highway affording an unobstructed exit at each

1 end into another street or public passage.

2 Another limitation to consider is
3 requirement that only the named licensee may sell
4 alcohol under the authority of the specific
5 license. If a hotel, for example, wishes to sell
6 alcohol in its own name and wishes to rent out part
7 of the facility to a chain restaurant which, in
8 turn, wishes to sell alcohol in its own name, then
9 each of them will typically acquire its own
10 respective license for use at the hotel.

11 I can tell you that different licensees
12 have addressed their needs differently. Seven
13 Springs Mountain Resort in Somerset County, for
14 example, currently has eighty-three licensed
15 serving areas, of which thirteen are outside,
16 including swimming pool areas, a miniature golf
17 area, and a walkway. There are also fourteen
18 licensed storage areas. All of these areas are
19 licensed under the single hotel liquor license.

20 Other facilities have chosen or have
21 had to acquire multiple licenses for their venues
22 to allow for the sale of alcohol by the facility
23 and third parties. For example, Hershey
24 Entertainment and Resorts Company utilizes multiple
25 licenses for use within Hersheypark, including a

1 public venue license for Hersheypark Stadium and
2 several restaurant and eating place, retail
3 dispenser license within the amusement park.
4 Intervening public thoroughfares and property
5 boundaries separating various use areas of the
6 amusement park has necessitated Hershey's current
7 licensing configuration.

8 In closing, the board stands ready to
9 assist this committee, the general assembly, and
10 the governor, should a change in the Liquor Code be
11 desired regarding these issues.

12 Thank you for your time, and I would be
13 happy to take any questions you may have.

14 REP. COSTA: Thank you very much,
15 Jerry.

16 Before we start with the questions, we
17 were joined by a few members: Mike O'Brien from
18 Philadelphia County, and T. Mark Mustio from
19 Allegheny County.

20 Anybody -- any members have any
21 questions?

22 REP. COSTA: Donna Oberlander.

23 REP. OBERLANDER: Thank you.

24 Director Waters, you had said that
25 typically if a hotel wanted to rent out a part to a

1 chain restaurant, then typically they would acquire
2 respective license to each.

3 Can you give me an example of an
4 atypical situation? Would they be allowed to sell
5 alcohol in that restaurant?

6 MR. WATERS: If I understand your
7 question correctly, you're asking me, would the
8 hotel itself be allowed to sell within the
9 restaurant when another entity owns the restaurant
10 liquor license? Is that your question?

11 REP. OBERLANDER: Let me clarify.

12 MR. WATERS: Sure.

13 REP. OBERLANDER: You have in your
14 testimony that if a hotel wishes to rent out a
15 piece of their facility to a chain restaurant,
16 typically they would both have to have to hold a
17 license. But you're saying that's typical. Can
18 you give me an example of an atypical situation?

19 MR. WATERS: Well, if I'm understanding
20 your question, the atypical would be probably a
21 joint venture, where two entities would go on the
22 application as a joint venture. For instance, XY
23 Corporation, whose only interest is to run a
24 restaurant facility, and BX Corporation, who would
25 run the hotel business. So they would enter into a

1 joint venture, both of them would be responsible
2 for the sales of alcohol on the premises. It would
3 allow the restaurant to operate as a restaurant but
4 also allow the hotel and its -- to serve to its
5 guests, both in the restaurant as well as in their
6 rooms and on the property.

7 REP. OBERLANDER: Thank you very much.

8 REP. COSTA: Any other members have
9 questions?

10 Chairman Taylor.

11 REP. TAYLOR: Thank you, Rep. Costa.

12 Jerry, in your testimony, you talk
13 about both Seven Springs and Hershey. Did you use
14 those two as for the extremes in the way it's set
15 up now? In other words, we have one that has over
16 eighty-three different places that serves alcohol
17 and yet that's only under one license; on the other
18 hand, at Hershey, you have multiple areas, but they
19 have to have multiple license simply because of the
20 street --

21 MR. WATERS: Rep. --

22 REP. TAYLOR: -- or I guess multiple
23 streets maybe.

24 MR. WATERS: Rep. Taylor, before I
25 answer your question, I just want, for the

1 committee and the members present, to my left is
2 Chris Herrington, deputy chief counsel for
3 legislative, regulatory, and general matters. I
4 just want to put that on record.

5 To your question, I use those two
6 entities because, although they're the same when we
7 look at what we might consider resort, although
8 there's no resort licenses, one, Seven Springs, is
9 clearly -- has no public thoroughfares where
10 they've licensed versus Hershey, who has various --
11 because of its configurations, what is considered
12 public thoroughfares. And, therefore, the statute
13 is clear and the board has no discrimination with
14 respect to that public thoroughfare.

15 In Seven Springs situation and model,
16 their challenge has been, if I remember correctly,
17 that their facility actually is in three different
18 townships, so there's been some challenges with
19 respect to the -- two different townships.

20 REP. COSTA: No, it's two counties.

21 MR. WATERS: Okay. I know there was
22 challenges when doing that, and, basically, that
23 wasn't the board's issue, that was more Seven
24 Springs issue to deal with the township and the
25 local municipalities, to allow that type of model

1 to work.

2 In Hershey's situation, it is more of
3 just the statute with respect to public
4 thoroughfare.

5 Another entity that I did not mention
6 but is closely aligned to Hershey in that it's an
7 amusement park would be Dorney Park, which actually
8 uses one license for their entire facility. The
9 difference between Hershey and Dorney is Dorney has
10 no public thoroughfares. So did I --

11 REP. TAYLOR: Yes. And I know that the
12 statutory obligation is ours, and that is the
13 purpose of hearing, but it would seem that it may
14 be important to put more variables into the statute
15 other than the thoroughfare, because having been at
16 Hershey, I know that there's some roads that almost
17 run through it, underneath it. There is pieces
18 that go above the road, et cetera. And Dorney
19 Park's another good examples, where just because
20 there may not be a road going through it, maybe at
21 one point in the code, that was an important
22 determining factor that seems less so at this
23 point.

24 And you don't have to offer your
25 opinion on it, but if you would like to --

1 MR. WATERS: Well, Rep. Taylor, I would
2 just say this: As a majority of the members know,
3 the statute was written in 1933 and rewritten some
4 years prior to that. There probably are many areas
5 of the statute where this committee as well as the
6 general assembly needs to address, but that is the
7 work of the general assembly, and we will support
8 the work and be advisors when we can.

9 With respect to Hersheypark, since it
10 was my playground in my time in Hershey, I tend to
11 know most of the roads that lead through
12 Hersheypark.

13 REP. TAYLOR: Yeah, just from the
14 outside, it seems like Hersheypark would be one big
15 complex, and I guess the statute was originally
16 designed that you want one -- you know, one piece
17 of resort in one county and another just because
18 they have the same name trying to operate under the
19 same license, so maybe there's some refinement we
20 can do to make it make more sense.

21 Thank you, Mr. Chairman.

22 REP. COSTA: Rep. Payne.

23 REP. PAYNE: Thank you.

24 Mr. Waters, thank you very much. Your
25 selection of the examples is exactly what I had

1 asked the two chairmen, Taylor and Donatucci, was
2 the problem was, here we have Seven Springs in
3 multiple townships, multiple counties, and was able
4 to work out a way to get one license just because
5 there was no public road running through it.

6 I would submit the challenges of
7 multiple townships and multiple counties to get
8 things done are even more encumbering than, well,
9 Hershey all in one township and one county, but
10 they have a road, Park Boulevard, that runs through
11 the park, per se, separates the Giant Center from
12 the stadium. Fortunately, Park Avenue just kind of
13 cuts the zoo and the park, and I'm not aware of
14 alcohol currently being served to the animals over
15 there.

16 But what I'd like to see happen, what
17 I'm asking the committee to do is to come up with a
18 resort license, if you will, amusement-type
19 license, so whether it's a Seven Springs, a Bedford
20 Springs, a Dorney, a Hershey, or whatever, if all
21 the facilities are located on that tract or that
22 resort area, that way we're a little bit lenient
23 that you could have a single license to serve
24 alcohol in any of those locations, regardless of
25 the fact that a road happens to run through your

1 area.

2 I would probably argue, and I'm not a
3 lawyer, but I would probably argue that public
4 roads go everywhere. You can't get the people to
5 the parking lot to that location. So almost all of
6 them have some sort of public road on them.

7 So I want to thank, again, the
8 committee for doing this, because this is a great
9 example what the challenge is for Hersheypark.
10 Literally, you can be in the park and there's a
11 pizza shop that has a liquor dispensing area, and
12 from here to the other end of the room there's
13 another restaurant that has a liquor, and they all
14 have separate licenses. And it's just like this is
15 just not 2010. We need to somehow bring that code
16 up to at least our current standards.

17 Thank you.

18 MR. WATERS: Senator Payne -- I mean,
19 I'm sorry, Rep. Payne. I elevated you.

20 REP. PAYNE: Don't start that.

21 MR. WATERS: I elevated you.

22 But all due respect, Rep. Payne, the
23 board stands ready to assist the general assembly
24 whenever.

25 REP. COSTA: Rep. Sonney.

1 REP. SONNEY: Thank you, Rep. Costa.

2 Just a little bit curious about the
3 costs. In other words, for Seven Springs, was it
4 Seven Springs with eighty-three licensing areas,
5 and, of course they're under one, you said;
6 correct?

7 MR. WATERS: Correct.

8 REP. SONNEY: So they only have the
9 cost of one.

10 MR. WATERS: That is correct.

11 REP. SONNEY: But for Hershey is the
12 cost for every license the same fee for every one
13 of those licenses, or is the general license one
14 fee and all of these other licensing entities
15 within their complex another fee?

16 MR. WATERS: The licensing fee would be
17 based on the classification of licensing -- of
18 license that they held.

19 I believe in Hershey's situation, they
20 both hold several restaurant liquor licenses, and I
21 believe they may hold one eating place license.
22 I'm not quite sure.

23 MR. HERRINGTON: Two.

24 MR. WATERS: Two eating place, so it
25 would depend on the licensing fee for the

1 restaurant versus the licensing fee for the eating,
2 but I think to -- the answer to your question is,
3 for every license that they have, there's a
4 licensing fee.

5 REP. SONNEY: And then, just to take us
6 a little further, just for some other examples of
7 where this comes into effect, so hotel somewhere in
8 the state that has a license, and if they wish to
9 sell at their swimming pool, as long as there's not
10 a public road between the hotel and the swimming
11 pools, it falls under one license, but if there's a
12 public road separating the two, they're going to
13 need another license.

14 MR. WATERS: That would be true, unless
15 within the statute it clearly articulates that
16 they're on the same tract of land and they can use
17 that, and the statute is clear with respect -- I
18 think in my testimony speaks to hotels and golf
19 courses -- golf courses as well as bowling alleys,
20 which I think the last change was with respect to
21 service on premises of bowling alleys, being able
22 to serve on the unlicensed portion of the
23 premises.

24 So, if within the statute, the general
25 assembly has identified those entities that may not

1 fall within the realm of the restaurant liquor
2 license classification or has given them privileges
3 outside of the statute but, however, codified it
4 within the statute.

5 REP. SONNEY: And each type of license,
6 then, has its own specific rules that deal with how
7 you can use that license. In other words, if it
8 must remain indoors on the premises, if you are
9 allowed to use outdoor areas. Is that true?

10 MR. WATERS: That is correct. And with
11 respect to restaurant liquor license, if they have
12 desire to sell product or serve on various
13 locations outside the main frame, i.e. a deck or
14 sidewalk cafe, you know, they would have to file
15 for an extension of premises of that location.
16 With respect to an outside area that doesn't need
17 municipal approval, they would submit an extension
18 of premises application and the board would
19 determine if it's applicable to do that.

20 With respect to a sidewalk cafe,
21 normally most municipalities would require some
22 type of approval there. And we take those into
23 consideration as well.

24 REP. SONNEY: But if you indeed grant
25 approval, it does not mean another separate

1 license, though.

2 MR. WATERS: No, it does not. And that
3 is under the license that has been granted for that
4 said premises.

5 REP. SONNEY: Thank you.

6 REP. COSTA: Thank you.

7 Jerry, I have a couple questions, and
8 I'm hung up on the Seven Springs area. Okay? I'm
9 from that area, very familiar with the facility.

10 They have a golf course across the
11 road. They have a restaurant across the parking
12 lot, and the hotel and the lodge are connected, but
13 there's public -- I'm getting in trouble getting
14 past the public thoroughways. Is it all because
15 it's their property and it's all private property?

16 MR. WATERS: That is correct.

17 REP. COSTA: And in Hershey it's a
18 different situation?

19 MR. WATERS: That is correct.

20 REP. COSTA: That's where I was
21 confused. Thank you for clearing that up.

22 Chairman Donatucci.

23 CHAIRMAN DONATUCCI: Jerry, as you
24 know, in Philadelphia, we have a lot of the license
25 in safe keeping. In Derry Township here, what is

1 the story of license? Are they -- are they a
2 premium are or -- let's say we grant this for
3 Hersheypark. There will probably be ten, fifteen
4 licenses that will be sold. Are they in need of
5 licensing in this township?

6 MR. WATERS: Rep. Donatucci, I'm not
7 going to speculate as to whether they'd be sold,
8 but Hershey has numerous licenses, and if there was
9 a change in statute, general assembly would have to
10 determine how those licenses would be handled. If
11 there was no change with respect to the license,
12 Hershey would have the opportunity to place those
13 license within safe keeping for a three-year
14 period, and then be able to hold those within
15 statute, paying \$5,000 every year.

16 Those licenses could be offered for
17 whatever the market would bear within Derry
18 Township or Dauphin County.

19 CHAIRMAN DONATUCCI: Thank you.

20 REP. COSTA: Any other questions?

21 Jerry, I hope you can stick around, if
22 your time permits you. There could be some follow-
23 up questions after we listen to the Hershey people,
24 if that's possible.

25 MR. WATERS: I would love to do that,

1 however, I -- my schedule is awfully tight, and
2 actually, I don't know what time it is, I'm
3 scheduled to have another meeting at 11:00.

4 REP. COSTA: I understand. We do know
5 how to get ahold of you.

6 MR. WATERS: If there would be -- to
7 the chairmens and the subcommittee chairmens, if
8 there would be any questions that need follow-up,
9 I'd be happy to -- if you could make sure that
10 Chris Herrington gets those, I'd be happy to answer
11 them. And I think, to some of the members that I
12 haven't seen, I know -- familiar with other members
13 more than others, but I just want to say this:
14 That my office is always available with respect to
15 any liquor issues that may come before you.

16 REP. COSTA: Thank you very much. We
17 appreciate you being here.

18 We were also joined this morning by
19 Rep. Waters from Philadelphia County and welcome.

20 Our next testifier is Garrett Gallia --
21 I hope I pronounced that right. He's the associate
22 vice-president of public affairs, Hershey
23 Entertainment and Resorts Company.

24 Please press the blue -- make sure the
25 blue lights on when you speak.

1 MR. GALLIA: Good morning,
2 Mr. Chairman, subcommittee chairmen. A special
3 welcome home to Hershey's own Rep. John Payne.

4 We thank you for choosing Hershey as
5 the place for this public hearing. And we welcome
6 to you to the sweetest place on earth.

7 My name is Garrett Gallia. I'm the
8 associate president for public affairs for Hershey
9 Entertainment Resorts Company. I'm going on my
10 eleventh year with the company.

11 And with me to my left is Jennifer
12 Kramer, who's senior counsel and director of
13 compliance for Hershey Entertainment Resorts. She
14 is in charge mainly of a lot of different areas,
15 but one key area is liquor -- responsible liquor
16 service for the company.

17 And to her left is Bill Liedholm, who's
18 the general manager of the Hershey Lodge. The
19 Hershey Lodge is a resort convention affiliate that
20 we own. It's a six-hundred-sixty-five-room
21 facility with a little over a hundred thousand
22 square feet of convention space.

23 And behind Bill to our left is Laurie
24 Lint, who is a paralegal with our company. And she
25 is also -- she also has responsibility in the

1 liquor area.

2 So you can see we have a lot of
3 different resources that we bring to bear to handle
4 liquor issues within our company.

5 Now, my remarks today are intended to
6 give brief overview of our company and how it
7 functions within the framework currently
8 established by the PA liquor laws and how the
9 framework, at times, can create what we
10 affectionately term "opportunities" in the
11 effective service of alcoholic beverages at our
12 properties.

13 I will say, however, that any
14 difficulties that we do experience would be
15 exponentially greater but for the excellence and
16 responsiveness of both of the liquor control board
17 and the bureau of liquor control enforcement.
18 Through our partnership with these two entities, we
19 have successfully worked together in managing our
20 way through a complex set of requirements that, in
21 many instances, were not written with an entity
22 such as H.E. and R., Hershey Entertainment and
23 Resorts, in mind.

24 I cannot express enough our gratitude
25 at the outstanding work of the professionals at the

1 LCB and the BLCE. Together with our regional
2 tourism partners, we have positioned travel and
3 tourism as the number one industry in our region
4 and the number two economic driver in the
5 commonwealth.

6 Our company alone is responsible for
7 the employment of over nine thousand full-time,
8 part-time and seasonal workers during the height of
9 our season, over five million annual visitors, and
10 a local -- and a local or regional economic impact
11 of over 1.2 million dollars in total annual
12 spending by visitors to our region.

13 As you would imagine, the key driver in
14 keeping our guests satisfied is how we perform in
15 food and beverage service. Our company has
16 fourteen restaurants open to the general public
17 outside of Hersheypark and many additional catering
18 areas within our properties.

19 In 2009, Hershey realized 9.5 million
20 in total alcohol beverage sales. In total, H.E.
21 and R. currently is the holder of fifteen liquor
22 licenses, which includes six restaurant licenses,
23 three public venue licenses, two malt and brewed
24 beverage-only licenses, two PGR licenses, which are
25 public golf licenses, and two hotel licenses. And

1 we provided a complete list of all of our liquor
2 licenses owned by our company in your materials at
3 Exhibit A.

4 For purposes of our discussion today,
5 I'd like to focus on two primary operating
6 groups -- the resorts group and the entertainment
7 group -- and some challenges we experience within
8 the liquor laws as it relates to both groups and
9 possible solutions in each respective area.

10 First, I'd like to briefly describe a
11 few opportunities that we experience with licensing
12 and service at our resort properties. The Hotel
13 Hershey and the Hershey Lodge frequently receive
14 requests from groups and guests staying at our
15 properties to have off-site catering events, that
16 includes the sales, service of alcoholic beverages,
17 at unlicensed locations such as Hershey Chocolate
18 World, Founders Hall, the Milton Hershey School,
19 Hershey Trust Company, and the Antique Automobile
20 Museum in Hershey.

21 This is currently an obstacle because
22 under the law, alcohol sales are restricted to the
23 licensed area of Hotel Hershey and the Hershey
24 Lodge, and there is no such thing as catering
25 license or permit.

1 Property construction and renovation
2 also creates its own set of issues. Every time the
3 Hotel Hershey and Hershey Lodge renovate or want to
4 change the designated use of their licensed areas,
5 that could be just moving alcohol stores location,
6 they have to file form PLCB 49, which is an
7 application for the extension of retail license to
8 cover additional premises.

9 In connection with that form, they have
10 to file a filing fee. They have to place at or
11 near the front of their entrance a four-inch
12 placard to notify guests of a change in licensing
13 status, and they have to coordinate a time for the
14 PLBC license analyst to visit the property and
15 measure the areas, and then wait thirty days for
16 approval from the PLCB if that approval's granted.

17 When the hotel recently built the
18 retail corridor, the law required us to seek
19 special approval from the board because the doors
20 to the retail shops exceeded four feet in width.
21 Knowing firsthand how busy the board is, I can say
22 with every confidence that the approval of the door
23 width at our retail shops is not the highest and
24 best use of that group's considerable ability.

25 We also experience challenges when we

1 seek to extend the hotel license. The hotel
2 Hershey could not extend its hotel license to
3 include the Hershey gardens as a secondary service
4 area because the hotel road separates the two
5 locations. The main entrance to the hotel is
6 directly across from the main entrance of the
7 Hershey gardens, and the hotel road is primarily
8 use as a method of ingress and egress for both
9 locations. Despite that fact, no extension was
10 possible under the current law.

11 The Hotel Hershey has had its
12 challenges in extending a hotel license to cover
13 certain areas of its own property, such as the rock
14 gardens, which is popular with weddings, and guest
15 house, which are both located in the front of the
16 hotel. These challenges relate to code
17 requirements which mandate clearly defined
18 crosswalks and pathways to connect the areas to the
19 main building.

20 Also under the current law, all guest
21 rooms and suites that may be set up as hospitality
22 bars to sell or serve alcohol to guests as part of
23 a private event must be measured by the PLCB
24 license analyst and officially designated as
25 licensed areas.

1 Now, the hotel in Hershey -- the Hotel
2 Hershey Lodge cannot sell or serve alcohol beverage
3 at a catered event on certain portions of their own
4 property, like parking lots, without approval from
5 the board in each instance. And this again
6 involves filing the PLCB Form 49 and other
7 requirements as set forth earlier.

8 Both our properties cannot license
9 their gift shops and other retail stores on the
10 properties that we own and that we operate. In
11 addition, both of those properties have to get
12 board approval to have other businesses such as
13 Enterprise Rent-A-Car, Hershey Outfitters, or
14 Segway of Hershey to operate under licensed
15 premises, and then we have to de-license the area
16 in which they operate. All these types of
17 outsource amenities are very common in this day and
18 age with resort properties.

19 Now, a possible solution to the
20 representative challenges listed above could be the
21 creation of a resort license, which would have the
22 entire square footage or acreage of a resort
23 complex licensed, including all guest rooms,
24 suites, retail stores that are owned and operated
25 by the resort licensee, and the parking lots and so

1 forth.

2 In addition, we'd like -- we could see
3 and suggest that a relaxed requirement exists
4 with -- excuse me -- when the resort complex
5 undergoes renovations or additions or changes to
6 room measurements or changes to a designated use of
7 those areas. We envision that the only requirement
8 would be to submit an updated floor plan showing
9 these changes and no investigation or approval
10 would be required.

11 And we also suggest that it would be
12 beneficial to have a holder of a resort license be
13 able to apply for a catering permit that would
14 permit the sale of alcohol beverages off the
15 licensed premises for catered events on unlicensed
16 locations -- for catered events on unlicensed
17 locations within the same county of the holder of
18 the resort license is located.

19 Now, we would anticipate that the
20 committee would require the application for a
21 resort license to meet certain eligibility
22 requirements, as is the case with public venue
23 license. Such criteria could be that there would
24 be a minimum of -- a minimum valuation of the
25 resort complex established exclusive of the land;

1 that the resort complex include a restaurant and
2 convention center which could accommodate a certain
3 minimum number of people; that the resort complex
4 include hotel, motel accommodations within a --
5 with a certain minimum number of sleeping rooms;
6 and that there be a minimum acreage requirement
7 established for resort complex seeking a resort
8 license.

9 Now, unlike the resorts, we don't
10 currently have a license classification designed
11 for large places of amusement, outside of
12 performance venues, like an amusement park. Not
13 surprisingly, we share our operating license -- we
14 share -- we have our share of operating and
15 licensing challenges in the park as well.

16 For instance, H.E. and R. has to either
17 extend existing licenses or obtain or transfer new
18 licenses in order to license desired areas within
19 Hersheypark. There are currently five licenses,
20 two secondary service areas, and three extended
21 areas inside Hersheypark. And, again, a complete
22 list of all Hersheypark liquor licenses is included
23 in your materials at Exhibit A.

24 Under the current laws, it's difficult
25 and in some instances impossible to license certain

1 catering areas and other locations within
2 Hersheypark because they do not meet requirements
3 for secondary service area or extended area.

4 In addition, under the current laws, if
5 a guest purchases an alcoholic beverage at one
6 licensed location and mistaken walks through
7 Hersheypark with the beverage, H.E. and R. would be
8 in violation of the Liquor Code and could
9 potentially receive a citation against one of its
10 licenses.

11 As you can imagine, it's cumbersome to
12 administer five liquor licenses at one venue. We
13 have to appoint an employee to serve as a manager
14 for each Hersheypark license, which is currently
15 five employee managers inside Hersheypark.

16 When the frequent turnover of position
17 changes at Hersheypark, H.E. and R. is constantly
18 replacing liquor license managers more so than any
19 other licensed property, and with each application
20 and each manager requires a separate interview with
21 the PLCB analyst and a background check.

22 In addition, H.E. and R. has to put all
23 Hersheypark licenses into safekeeping when they're
24 not -- when it's not operating, which is basically
25 between January through March each year. Since

1 Hersheypark's operating season commences in early
2 April for Springtime in the Park, H.E. and R. must
3 submit PLCB Form 1689, which is application for
4 return of a license from safekeeping, by early
5 March, which means that Hersheypark licenses are in
6 safekeeping for only sixty days.

7 H.E. and R. cannot sell alcoholic
8 beverages at catered events held in the
9 entertainment complex parking area -- parking lot
10 area without approval from the board in each
11 instance. This involves filing, again, PLCB 49 and
12 all the requirements set forth earlier.

13 Since H.E. and R. is not able to say
14 with any degree of certainty that the locations --
15 that these locations could be licensed, Hersheypark
16 often loses group business that requests this type
17 of service.

18 H.E. and R. is not able to start
19 selling alcohol beverage until one hour before
20 performance start times under the current law, even
21 though that the doors open for many events at the
22 Giant Center and Hershey theater an hour and a half
23 to two hours prior to the performance time.

24 Of course, we don't believe in
25 articulating problems without also providing some

1 thought regarding possible solutions. As with the
2 resort license, we believe that the following may
3 provide a concept that could relieve unnecessary
4 burden on the part of the LCB and the licensee.

5 We believe that one such alternative
6 would be to amend 47 Pa.C.S. Section 102, which is
7 the current public venue license law, by adding
8 language to include amusement parks. Such language
9 would set a minimum but substantial criteria for a
10 new license.

11 We've enclosed some proposed language
12 for the committee's consideration and input in
13 Exhibit B. Under this proposal, there would be
14 only one license necessary for Hersheypark.

15 In addition, we recommend further
16 amending the public venue law to reflect that sales
17 could occur up to two hours before the performance
18 of any performance event at the -- at a performance
19 venue and add an exception for amusement parks so
20 that they could sell or serve alcohol regardless of
21 whether it's a live performance is occurring on the
22 property. Again, such proposed language is
23 enclosed in Exhibit B.

24 We also suggest that any public venue
25 license -- licensee allow holders to temporarily

1 sell and serve alcohol at catered events in their
2 parking lots and other unlicensed area, provided
3 that they are located in the same land as the
4 public venue, without the need to further approval
5 from the PLCB. The only requirement would be to
6 submit a map or floor plan showing the location of
7 the event and the date and time of the event.

8 Lastly, we'd like to see an exception
9 to the Liquor Code that would not require licensees
10 to place into safekeeping their licenses if they
11 would only be there for sixty days or less.

12 In closing, I'd like to once again
13 thank the committee for their generous time today
14 entertaining some thoughts on possible improvements
15 to operational licensing issues surrounding the
16 sale and service of alcohol.

17 We recognize the awesome responsibility
18 the commonwealth and the licensees both have for
19 the safe and legal service of alcohol, which is a
20 responsibility that we take very, very seriously.
21 In fact, it's a responsibility that dwarfs all
22 others when it comes to the sale of alcohol and
23 service.

24 However, through some of the changes we
25 suggested today, we believe that we cannot only

1 honor our highest moral, ethical, and legal
2 obligation to keep our guests safe but also take
3 steps to help the current laws be more responsive
4 to the needs of large purchasers and sellers of
5 alcohol in a continued environment of responsible
6 service.

7 Thank you.

8 REP. COSTA: Thank you, Mr. Gallia.

9 Any members have any questions?

10 I have one. During your testimony, you
11 talked about someone purchasing a beer, for
12 instance, and walking out of that designated area.
13 How large is the designated area that they're
14 allowed to be in? Is it where they purchase the
15 food and the beer, so I can't leave your sheltered
16 area? Is that what you're limited to?

17 MR. GALLIA: That's right. It would be
18 whatever area is considered the licensed area under
19 that license. So, for instance, we have a
20 restaurant as you enter the park called Tudor
21 Grill. That Tudor Grill restaurant facility is
22 licensed, but as soon as you leave the door, you're
23 entering unlicensed territory, so the demarcation
24 line would be where the door is, unlicensed
25 thereafter.

1 REP. COSTA: Going back to the Seven
2 Springs example, could you not declare those areas
3 as licensed areas or serving areas?

4 MR. GALLIA: Not -- not under the way
5 the law's currently written. We can extend a
6 license in the park, but we have to go through --
7 they have to be connected to the original service
8 area, and we've currently maxed out on our extended
9 areas of the park. So we're allowed two per
10 license.

11 REP. COSTA: That's interesting.

12 A year or two ago, I was in New
13 Orleans, and you can walk in one bar and out of a
14 bar with a drink openly on the street, and here, in
15 a confined area, you can't even walk outside of the
16 range. I don't understand. I think we need to be
17 a little more flexible.

18 Thank you.

19 Rep. Payne.

20 REP. PAYNE: Yeah. Thank you,
21 Mr. Chairman.

22 Thanks very much, and thanks to the
23 H.E. and R. family for coming today.

24 Quickly, I want to thank all my other
25 board members, committee members, and fellow

1 members of the house, some of which aren't on the
2 committee, for attending today.

3 This highlights the problem, the issue
4 that I saw and asking for this hearing is not
5 taking a beer from one place in the park and
6 walking through the park and standing in line or
7 going in a gift shop. They have very strict
8 guidelines that you can't go into a shop or you
9 can't stand in line with food and beverages.

10 But you can buy a beer in one area of
11 the park, and the park is how many acres?

12 MR. GALLIA: A hundred ten.

13 REP. PAYNE: You could be walking to
14 another area of the park with your family, still
15 drinking the half cup of your beer, and you're in
16 violation of the law and they're in violation of
17 the law.

18 And I'm just like, once you're in the
19 park and you're in the park, it's like Paul said,
20 I've been to New Orleans. Not only can you go from
21 restaurant to restaurant, you can walk blocks and
22 blocks and blocks drinking a beer. Here we are in
23 a confined, gated, secured area, and you can walk
24 literally from here to the end of the building
25 potentially with a beer in your hand and not be in

1 violation.

2 So we are trying to look at -- and I
3 appreciate some of your insights on how we may
4 help. It's the beginning stages of getting input
5 into this committee on how we can fix what I
6 clearly think is just a very old and antiquated
7 provision in our code.

8 Thanks.

9 MR. GALLIA: Rep. Payne, if I could
10 just add one more thing. Each instance of
11 violation, we have three available violations per
12 license. After the third violation, there's a
13 mandatory suspension of service of alcohol. So you
14 have, as you well know, thirty thousand people in
15 the park, you have -- just need three of them
16 unknowingly walking out the door, which could be a
17 suspension of that license.

18 Thank you.

19 REP. COSTA: Rep. Santoni.

20 REP. SANTONI: I just have one
21 question. You, as part of your testimony, included
22 some recommended language. Would that -- would
23 that affect anybody else in the commonwealth except
24 for Hersheypark, that language, that you're aware
25 of?

1 MR. GALLIA: I'm not -- I'm not sure.
2 We did actually talk with Director Walters about --
3 about this approach and this strategy, and the
4 recommended threshold are just guidelines. They
5 could be raised or lowered at the discretion of the
6 committee.

7 Obviously, our major concern was
8 wanting to make sure that we didn't include
9 mom-and-pop traveling carnivals or these roadside
10 entertainment weekend outings, that we want to make
11 sure that there's a pretty high threshold because
12 we do take very seriously the service of alcohol.
13 We want to make sure that that -- the integrity of
14 that thought is maintained.

15 REP. SANTONI: Thank you, Mr. Chairman.

16 REP. COSTA: Any other members have
17 questions?

18 Ron Waters, please.

19 REP. WATERS: Thank you, Mr. Chairman.

20 Just briefly, I just had a chance to
21 drive past the amusement park. I can't wait to
22 come back.

23 Only question that I have is, comes to
24 walking around with a open container of alcohol
25 beverage. How about a bottle of beer in

1 Hersheypark, a person can walk around with a
2 bottle, open container?

3 MR. GALLIA: Representative, only in
4 the licensed area. Once the individual would leave
5 the licensed area within the park, it would be a
6 violation.

7 REP. WATERS: But you're asking to have
8 that violation lifted so that people can travel
9 around further with it without it being any
10 citations or violations.

11 MR. GALLIA: Well, I think our idea
12 would be that instead of having small segments of
13 the park licensed, you would basically license the
14 entire acreage within the park perimeter. So you
15 wouldn't be -- you wouldn't have to issue each
16 guest a map where they could drink and where they
17 couldn't and still be within the spirit of the
18 law. Actually, the entire area would be licensed,
19 so you wouldn't have to worry about leaving one
20 area and into another.

21 REP. WATERS: The -- I look at this as
22 a family park. And I'm sure that you want to make
23 sure that people aren't walking around appearing to
24 be intoxicated. Will you -- I mean, when you have
25 designated drinking areas, I guess you could better

1 manage that to make sure that that is more within
2 your control. If you expand it, how would you --
3 how do you see managing it if you open it up in a
4 family park?

5 MR. GALLIA: That's a very good
6 question. Truth be told, I think the changes that
7 we're seeking would amount to technical changes
8 that would relieve the obligation for technical
9 violations.

10 If you look at our service areas like
11 the Giant Center, Hersheypark arena, and the
12 Hershey Stadium, these are public venues, and they
13 operate under public venue licenses. They're
14 similar to the type of relief we're seeking for the
15 park and the resort, meaning that the entire area
16 under the roof is licensed.

17 So we have broad history in dealing
18 with a large number of people and the service of
19 alcohol to those individuals within a complete
20 licensed area. And it's something that we think we
21 can do effectively, and I don't think that the
22 change that we are recommending would make it any
23 easier for people to be served, because there's
24 still a single point of service and the same
25 security and the same -- and the same due diligence

1 in checking that we do with each individual would
2 still take place at those single points of
3 service.

4 REP. WATERS: So a person can -- is not
5 allowed to bring in their own bottle of beverage to
6 walk around, that's what you're saying?

7 MR. GALLIA: That's correct. Well, not
8 allowed, it's against our policy, primarily because
9 all of our servers are TIPS trained servers,
10 meaning that they're serve safe responsible and
11 they're trained to recognize intoxication. And if
12 we eliminate the ability of our company to control
13 service of alcohol, we also eliminate the ability
14 of our company to control and cut off people if we
15 think they've had too much alcohol.

16 REP. WATERS: Like I said, I look
17 forward to coming out and bringing my daughter,
18 looking forward to a good time.

19 MR. GALLIA: We look forward to having
20 you.

21 REP. COSTA: Rep. Pyle.

22 REP. PYLE: Thank you, Mr. Chairman.
23 And I'm sorry to be working without a microphone.
24 I arrived late.

25 The Hersheypark scenario where you have

1 multiple licenses in a very large, sprawling
2 facility, I understand your pain. My question, and
3 this was brought up earlier, public venue licenses,
4 let's go back to the bowling alleys example. I
5 just had one in my hometown that does have
6 fraternal organization attached to a bowling alley.
7 They have served beer and alcohol in the club area
8 that is key card accessible only, have for years.

9 They would like to expand out onto the
10 lanes, but in working that, and hopefully this ties
11 it all together -- I'd like to kind of agree with
12 Rep. Waters a little bit. One of the conditions
13 they had to be able to bring beer out onto the
14 lanes, they had to shut it down to everybody who
15 was not of the legal age of consumption.

16 I'm wondering how Hersheypark would
17 address that. I agree a Rep. Waters. I've taken
18 my kids to Hershey many times. But how am I going
19 to be protected against some guy who's been
20 throwing down beers all day, who is not holding it
21 in his hand, standing next to my eleven-year-old,
22 while they're waiting to get on the roller
23 coaster? How would you approach something like
24 that?

25 MR. GALLIA: It's an excellent

1 question, again. Pardon me for turning my back to
2 you.

3 REP. PYLE: That's all right. Go
4 ahead.

5 MR. GALLIA: It's funny that you
6 mention this because I think one of the complaints
7 that I receive from a lot of our guests is that we
8 are actually too strict in the service of alcohol.
9 Anybody who's attended any of our concert events
10 knows that they have to go through, at a minimum,
11 three checkpoints to get one beer, and they're
12 videotaped in the process of doing it.

13 Every person that is in charge of
14 serving alcohol in our company is trained, TIPS
15 trained. We don't allow anybody to be in that
16 position without having the proper training, and
17 this is a state-certified program to recognize
18 intoxication and full training in the responsible
19 service of alcohol.

20 So I don't -- we're not talking about a
21 change in how we serve at all. And we're not
22 talking about a change in the volume of alcohol
23 that we're serving. It's more a change in
24 providing an environment where people can, after
25 they're served, take their beer from one area to

1 another without having to worry about them being in
2 violation or us being in violation of the law.

3 So, again, I go back to the fact that
4 our standards are never going to change. I mean,
5 as -- I'm also in the associate general counsel of
6 the company, and I can tell you that liquor
7 liability is something that is at the forefront of
8 my head every single day, every single concert,
9 every single park day. And -- and we have geared
10 our whole program and our alcoholic beverage policy
11 around responsible and safe service. And that will
12 never, ever change.

13 We are a service-oriented company. We
14 make our bread on safety, and we make our bread on
15 our family brand. So those two components will
16 override everything that we do. In fact, we've
17 been in many situations with concerts where we have
18 voluntarily self selected to either not serve or
19 shut down alcohol service well before the end of
20 concert because it's the right thing to do. And
21 those guiding principals won't leave -- won't leave
22 our thought process or business planning at all.

23 REP. PYLE: Thank you.

24 REP. COSTA: Thank you.

25 Anyone else have any questions?

1 Rep. Burns.

2 REP. BURNS: My thoughts are about the
3 other liquor license holders in the area, the bar
4 owners and the tavern owners within the county.
5 And in most counties to get a liquor license is to
6 purchase one from another licensee.

7 So were yours purchased from another
8 licensees, or were they issued new from the state?

9 MR. GALLIA: I think maybe Jen can best
10 handle that. My recollection is it is a
11 combination of both. Some were purchased from
12 other licensees, some were issued from the state.

13 Is that correct?

14 MS. KRAMER: I believe that's correct.
15 There's three restaurant licenses inside the park.
16 I can say with certainty one of them was purchased,
17 two of them, and the other ones were there before I
18 even came on board with the company. So they may
19 have been new.

20 REP. BURNS: Because, should this new
21 resort license happen the way that you want it to,
22 you'll have fifteen licenses that will hit the
23 market that would be up for sale, which would lower
24 the value of all the other licensees. That's my
25 concern.

1 REP. COSTA: Any other members?

2 Mr. Gallia, I have one more question
3 for you. In your testimony, you talk about the
4 hotel road. Is that a township road or is that a
5 private road?

6 MR. GALLIA: I believe that is -- it is
7 a township road.

8 REP. COSTA: Because that's why the
9 license can't be.

10 Okay. Thank you.

11 Seeing no other questions, I want to
12 thank you all for being here. Appreciate your
13 input.

14 I believe we are going to have
15 Mr. Herrington come back up to clarify some
16 things. Excuse me.

17 Mr. Gallia and crew, thank you very
18 much. We appreciate it.

19 Thank you for sticking around. We
20 appreciate it.

21 MR. HERRINGTON: Sure. Not a problem.

22 There was one issue, and I just wanted
23 to briefly clarify because there was some
24 discussion related to sales of beer from a
25 restaurant or eating place and whether or not it

1 can be taken off the premises or not.

2 Generally speaking, just so that
3 everyone knows, everyone on the committee, holders
4 of restaurant, eating place, and hotel licenses can
5 generally sell up to a hundred ninety-two fluid
6 ounces of malt, brewed beverages, which includes
7 beer, for off-premises consumption, in other words,
8 you talk it off premises, just like a quick six
9 place or something like that. You can do that.

10 Now, there may be municipal
11 restrictions, and, likewise, a licensee may have a
12 policy in place that would prohibit the practice,
13 but generally speaking, you can do that. I just
14 didn't want the testimony to reflect that bars and
15 eateries in general can't do that. It is something
16 that -- that there may very well be an open-
17 container rule in the municipality, and like I
18 said, and the licensee may have some specific
19 policy. But just wanted to clarify that issue in
20 particular.

21 REP. COSTA: Thank you very much.

22 Anyone have any questions for
23 Mr. Herrington?

24 Thank you. Appreciate you coming back
25 up.

1 MR. HERRINGTON: Not a problem.

2 REP. COSTA: I can't thank Chairman
3 Donatucci and Chairman Taylor enough for allowing
4 us to have this hearing. And I personally want to
5 thank all the members for showing up. I think it's
6 a very good representative of our colleagues,
7 especially in the middle of the summer when there's
8 so many other things going on back in our
9 districts, but I want to thank you all for coming.

10 Rep. Payne.

11 REP. PAYNE: Thank you very much.

12 Thanks, Paul. And thanks to the
13 chairmen and our members, and thanks to all the
14 testifiers. Thank you very much.

15 CHAIRMAN DONATUCCI: Meeting's
16 adjourned.

17 (Whereupon, the hearing concluded
18 at 11:04 a.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was
present upon the hearing of the above-entitled
matter and there reported stenographically the
proceedings had and the testimony produced;
and I further certify that the foregoing is a
true and correct transcript of my said
stenographic notes.

BRENDA J. PARDUN, RPR
Court Reporter
Notary Public