

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA - CIVIL DIVISION

THE GIANT COMPANY, LLC,

Appellant,

vs.

CONCORD TOWNSHIP,

Appellee.

Docket No.

Local Agency Law Appeal  
of an Adjudication by  
Concord Township

Filed on Behalf of: Appellant

Counsel of Record for this Party:

Ellen M. Freeman, Esq.  
Attorney ID No.: 320950

KrugerHenry PC  
317 E. Carson Street, Suite 333  
Pittsburgh, PA 15219  
Phone: (412) 456-2001  
Fax: (412) 456-2019

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA - CIVIL DIVISION**

THE GIANT COMPANY, LLC,	:	
	:	Docket No.
	:	
Appellant	:	
	:	
vs	:	
	:	
	:	
CONCORD TOWNSHIP,	:	
	:	
	:	
Appellee	:	

**APPEAL FROM THE DECISION OF CONCORD TOWNSHIP DENYING THE  
INTERMUNICIPAL TRANSFER OF A LIQUOR LICENSE**

Appellant, The Giant Company, LLC, (“Giant”), by its counsel, Ellen M. Freeman, appeals the April 7, 2026 adjudication of Concord Township (“Concord”), denying Giant’s request for the intermunicipal transfer of Pennsylvania Liquor Control Board (“PLCB”) restaurant liquor license no. R-15669 (“License”) into Concord. This appeal is being filed pursuant to the Pennsylvania Local Agency Law, (2 Pa. C.S. §§751 - 754). In support of this Appeal, Giant avers as follows:

1. Giant is a Pennsylvania limited liability company authorized to do business in the Commonwealth of Pennsylvania.
2. Concord is a political subdivision of Delaware County and the Commonwealth of Pennsylvania.
3. On January 5, 2026, Giant submitted a letter to Concord requesting that Concord schedule a public hearing, as required by the Pennsylvania

Liquor Code, 47 P.S. § 4-461(b.3), regarding Giant's intent to transfer a restaurant liquor license into Concord for use at a future Giant grocery store-based restaurant located at the intersection of Route 202/Wilmington Road and Ridge Road, Concord Township, Pennsylvania 19342 (the "Premises"). A copy of this letter is attached hereto as Exhibit A.

4. On February 24, 2026, Concord held a properly advertised public hearing regarding Giant's request to transfer a restaurant liquor license into Concord.
5. At the February 24, 2026 public hearing, counsel for Giant made a presentation to the Concord Township Council Members (the "Council"), as well as to staff and members of the public in attendance, regarding Giant's experience operating 144 restaurant liquor licenses in Pennsylvania and its proposed operations at the Premises to sell beer, wine and ready-to-drink cocktails, primarily for takeout. Following the presentation, counsel for Giant responded to questions posed by the Council, staff and members of the public in attendance.
6. In addition, Scott Sheaffer, Brand Compliance Manager for Giant, was present at the public hearing and testified in response to questions from the Council, staff and members of public in attendance.
7. Only two (2) residents, Kevin Voit and Jane Hunt, offered testimony at the public hearing.
8. Kevin Voit testified, *inter alia*, that the Council should deny Giant's request on the grounds that approval of a liquor license transfer would be

premature, as the developer of the Premises had not yet obtained all necessary land development approvals from Concord. Mr. Voit further objected based on his belief that Concord had already allowed a sufficient number of liquor licenses to be issued to other grocery store-based restaurants and that the market was saturated.

9. Jane Hunt testified, in general, that she would prefer to have a full-service restaurant.
10. No evidence was presented demonstrating that the proposed transfer of a restaurant liquor license to Giant to operate at the Premises would adversely affect the health, welfare, peace or morals of Concord.
11. On April 7, 2026, the Council considered a draft resolution and accompanying findings of fact approving Giant's request for a restaurant liquor license transfer. A copy of the draft resolution and findings of fact is attached hereto as Exhibit B. Vice President Gillespie made a motion to approve Giant's request to transfer the liquor license into Concord. Council Member Rankin seconded the motion. Council Members Hunt and Mutschler voted in opposition. The motion failed due to a 2-2 tie vote. Concord's Solicitor advised that, in the event of a tie, the motion fails, resulting in a denial. Accordingly, Concord adopted Resolution No. 22-2026 denying Giant's request to transfer a liquor license into Concord. A copy of Concord's Resolution No. 22-2026 denying Giant's request to transfer the License into Concord is attached hereto as Exhibit C.

12. Notwithstanding the fact that Section 4-461(b.3) of the Liquor Code states that a denial of a request for the intermunicipal transfer of a liquor license cannot be appealed, jurisdiction of this appeal lies with this Honorable Court pursuant to Sections 751 and 752 of the Pennsylvania Local Agency Law (2 P.S. §§ 2-751 and 2-752). *See also* Giant Food Stores, LLC v. Penn Township, 167 A.3d 252 (Pa. Cmwlth. 2017), *appeal denied*, 181 A.3d 287 (2018) (holding that a denial of an intermunicipal transfer of a liquor license is appealable pursuant to the Local Agency Law).
13. The Local Agency Law at Section 752 provides that: “any person aggrieved by an adjudication by a local agency who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals...” 2 Pa. C.S. § 752.
14. The Local Agency Law at Section 754(b) provides that when a complete record is made the court shall determine whether the decision of the agency was in accordance with the law, whether the provisions of Subchapter B of Chapter 5 have been violated in the proceedings before the agency, or that any finding of fact made by the agency and necessary to support its adjudication is not supported by substantial evidence. 2 Pa. C.S. § 754(b).
15. “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” In re License Renewal Application of the Quippan Club License #C-4110 LID #1889, 806 A.2d 494 (Pa. Cmwlth. 2002). Substantial evidence must do more than create

the suspicion of the existence of the fact to be established. Pennsylvania Labor Relations Board v. Foster, 395 Pa. 247, 150 A.2d 122 (1959).

16. The record of the February 24, 2026 public hearing is complete. A court reporter transcribed the entire public hearing. Because a complete record of the February 24, 2026 public hearing was made and Council Vice President Gillespie officially closed the public hearing, Giant submits that there is no compelling authority for re-opening the evidentiary record by holding a de novo hearing or remanding the case to Concord to further develop the record. See Retirement Board of Allegheny County v. Colville, Pa. Cmwlth, 852 A.2d 445 (2004). *See also* Section 754 (b) of the Local Agency Law. A copy of the Public Hearing transcript is attached hereto as Exhibit D.
17. In Resolution No. 22-2026, Concord set forth the following reasons for denial: (1) development plans and building permits have not been approved and (2) Concord has a sufficient number of liquor licenses based on its population.
18. Concord's Resolution No. 22-2026 fails to set forth findings of fact based on substantial evidence introduced at the public hearing to support its denial, therefore, Giant is unable, in this Appeal, to identify the specific grounds upon which Concord erred.
19. Based on the forgoing, Giant's Appeal should be granted because: (1) the adjudication by Concord denying Giant's request was not in accordance with law because Concord failed to make findings of fact for the denial as

required by the Local Agency Law and (2) the denial was not supported by substantial evidence as required by the Local Agency Law.

WHEREFORE, The Giant Company, LLC. respectfully requests that this Honorable Court reverse the decision of Concord Township and approve the intermunicipal transfer of PLCB restaurant liquor license no. R-15669 into Concord Township.

Respectfully Submitted,

**KRUGERHENRY, PC**

By: s/s Ellen M. Freeman  
**Ellen M. Freeman, Esq.**  
Attorney ID No. 320950  
Attorney for Appellant

Dated: April 27, 2026

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA - CIVIL DIVISION**

THE GIANT COMPANY, LLC,	:	
	:	Docket No.
	:	
Appellant	:	
	:	
vs	:	
	:	
	:	
CONCORD TOWNSHIP,	:	
	:	
	:	
Appellee	:	

CERTIFICATE OF SERVICE

I, Ellen Freeman, hereby certify that on April 28, 2026, I caused a true and correct copy of the foregoing Appeal from Adjudication of Concord Township Denying the Intermunicipal Transfer of a Liquor License to The Giant Company, LLC to be served via Federal Express, upon the following individuals:

Hugh A. Donaghue, Esq.  
Concord Township Solicitor  
Donaghue & Labrum, LLP  
102 West Front Street  
Media, PA 19063

Concord Township  
Attn: John Gillespie, Council Vice President  
43 South Thornton Road  
Glen Mills, PA 19342

By: **s/s Ellen M. Freeman**  
Ellen M Freeman, Esq.  
KrugerHenry, PC  
317 E Carson Street, Suite 333  
Pittsburgh, PA 15219

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA - CIVIL DIVISION**

THE GIANT COMPANY, LLC,	:	
	:	Docket No.
	:	
Appellant	:	
	:	
vs	:	
	:	
	:	
BOROUGH OF HATBORO,	:	
	:	
	:	
Appellee	:	

**ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2026, it is ordered that Resolution No. 22-2026 issued by Concord Township, Delaware County denying the request of The Giant Company, LLC to transfer a liquor license into Concord Township, Delaware County pursuant to the Pennsylvania Liquor Code, Section 461 (b.3) is hereby REVERSED and the request of The Giant Company, LLC for an intermunicipal transfer of PLCB restaurant liquor license no. R-15669 into Concord Township is APPROVED.

BY THE COURT:

\_\_\_\_\_  
J.

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

By: **s/s Ellen M. Freeman**  
Ellen M. Freeman, Esq.  
PA I.D. No. 320950  
KrugerHenry, PC  
317 E Carson Street, Suite 333  
Pittsburgh, PA 15219  
(412) 456-2001  
efreeman@krugerhenry.com

**EXHIBIT A:**

**CORRESPONDENCE FROM THE GIANT COMPANY, LLC REQUESTING A  
PUBLIC HEARING FOR AN INTERMUNICIPAL TRANSFER OF A LIQUOR  
LICENSE DATED JANUARY 5, 2026**

Copying Prohibited

EXHIBIT A



LAW OFFICES  
317 E. Carson Street  
Suite 333  
Pittsburgh, PA 15219  
Main: 412-456-2001  
Fax: 412-456-2019  
www.flaherty-ohara.com

Ellen M. Freeman, Esq  
Direct Dial: 412-535-5100  
E-mail Address: ellen@flaherty-ohara.com

Toll Free: 1-866-4BEVLAW  
File No. 27033.171

January 5, 2026

*Via Email and Fed Ex*

Concord Township  
Attn: Amanda Serock, Township Manager  
43 S. Thornton Road  
Glen Mills, PA 19342  
[aserock@concordtownship.org](mailto:aserock@concordtownship.org)

Re: Request for a Hearing on the Inter-municipal Transfer of a Liquor License  
into Concord Township, Delaware County, Pennsylvania

Dear Ms. Serock:

I represent and am writing on behalf of The Giant Company, LLC ("Giant") to request a resolution from Concord Township (the "Township") approving the intermunicipal transfer of a Pennsylvania "restaurant" or "R" liquor license from outside the municipality into the Township. Giant is currently constructing a grocery store in The Shoppes at Concord, located at the intersection of Route 202/Wilmington Pike and Ridge Road, Glen Mills, PA 19342. Once open, the grocery store will include a dining area with a vast array of food options to dine-in or take-to-go, as well as an offering of beer, wine and ready-to-drink cocktails which will be sold primarily to-go.

In order to sell alcohol products from its new store in the Township in accordance with its business plan, Giant must secure a restaurant liquor license. Giant bid on a Delaware County restaurant liquor license at the latest auction conducted by the Pennsylvania Liquor Control Board ("PLCB"). Giant plans to move the license into the Township with the approval of the Board of Supervisors, and subsequently the PLCB.

Giant hereby formally requests that the Township schedule a public hearing pursuant to the provisions of Section 461(b.3) of the Liquor Code. The public hearing will be for the purpose of allowing the residents of the Township to voice their recommendations and opinions on the proposed operations of a liquor license by Giant at its proposed location. After the public hearing, the Township must approve or deny the requested transfer, by way of a resolution or ordinance. The public hearing and subsequent resolution or ordinance must occur within 45 days of receiving this request. If additional time is needed, the Township can elect to extend this time period by 60 days by notifying my office of its election to do so.

To date, the PLCB has approved liquor licenses at 147 Giant locations. The majority of these locations currently sell beer, wine and ready-to-drink cocktails both for consumption on premises in the dining area and "to go."



LAW OFFICES  
317 E. Carson Street  
Suite 333  
Pittsburgh, PA 15219

Main: 412-456-2001  
Fax: 412-456-2019  
[www.flaherty-ohara.com](http://www.flaherty-ohara.com)

I have enclosed a proposed resolution which the Township has used in the past when responding to requests for intermunicipal transfers. The Pennsylvania Liquor Control Board requires that a resolution approving an intermunicipal transfer must include the following: (1) the name of the applicant (here, The Giant Company, LLC); (2) the address to which the license is being transferred (here, The Shoppes at Concord, Intersection of Route 202/Wilmington Road and Ridge Road, Glen Mills, PA 19342 or such equivalent address assigned to Giant's specific storefront); (3) the liquor license number (here, R-15669); (4) a statement that a public hearing was held on the requested resolution; (5) a statement that proper notice of the hearing was published and (6) the name of the current licensee (here, the Pennsylvania Liquor Control Board).

Further, the Liquor Code requires that notice of the public hearing be published once each week for two successive weeks in a newspaper of general circulation in the municipality. See 47 P.S. §102. Notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e. request by The Giant Company, LLC for an intermunicipal transfer of a liquor license). Section 102 also provides that the first publication shall not be more than 30 days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

At the time of the public hearing, my client and I will present complete information on the proposed operations of Giant's new store and answer any questions that the Township and/or its residents might have. However, if there are any preliminary questions that you feel would assist the Board of Supervisors in rendering a decision on Giant's request, please do not hesitate to reach out to me. Giant will reimburse the Township for all expenses related to the inter-municipal transfer hearing. Please send all invoices via email to Abi Machon at [amachon@flaherty-ohara.com](mailto:amachon@flaherty-ohara.com).

Please email or call me as soon as possible when a hearing date is scheduled in order to be sure my client and I are available to travel to and attend the hearing.

Best regards,

ELLEN FREEMAN, ESQ.

Enc.

**RESOLUTION NO. \_\_ - 2026**  
**“THE GIANT COMPANY LIQUOR LICENSE”**

**Resolution of the Board of Supervisors of the Township of Concord, County of Delaware, Commonwealth of Pennsylvania, approving an Inter-Municipal Transfer of Restaurant Liquor License No. R-15669 from the Pennsylvania Liquor Control Board to The Giant Company, LLC to be operated at the Giant Food Store in the Shoppes at Concord located at the Intersection of Route 202/Wilmington Road and Ridge Road, Concord Township, Delaware County, Pennsylvania**

**WHEREAS**, the Township of Concord received the Petition of The Giant Company, LLC for Approval of an Inter-Municipal Transfer of a Liquor License requesting approval of an intermunicipal transfer of Liquor License No. R-15669 pursuant to Section 4-461 of the Pennsylvania Liquor Code in connection with proposed development of a the Giant Food Store to be located in the Shoppes at Concord located at the Intersection of Route 202/Wilmington Road and Ridge Road; and

**WHEREAS**, Concord Township conducted a public hearing, pursuant to public notice on \_\_\_\_\_, at 7:00 p.m. at the Concord Township Municipal Building, 45 Thornton Road, Glen Mills, Pennsylvania, pursuant to the requirements of Section 4-461 of the Pennsylvania Liquor Code; and

**WHEREAS**, the Board of Supervisors finds, based on the evidence produced at the public hearing and the relevant criteria, that the transfer of the liquor license will not adversely affect the health, welfare, peace or morals of the Township of Concord or its residents; and

**NOW, THEREFORE**, the Board of Supervisors of the Township of Concord, County of Delaware, does hereby resolve and state that the Application for liquor license transfer is hereby APPROVED, subject to the following terms and conditions:

APPROVED AND RESOLVED by the Board of Supervisors of Concord Township, at its public meeting this \_\_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

**TOWNSHIP OF CONCORD**

\_\_\_\_\_  
**Amanda Serock, Township Secretary**

By: \_\_\_\_\_

ORIGIN ID:BTPA (304) 281-1634

ELLEN FREEMAN  
FLAHERTY & OHARA  
317 E CARSON STREET  
SUITE 333  
PITTSBURGH, PA 15219  
UNITED STATES US

SHIP DATE: 02JAN26  
ACTWGT: 0.10 LB  
CAD: 2599821001NET4535

BILL SENDER

TO **AMANDA SEROCK, TWP MANAGER**  
**CONCORD TOWNSHIP**  
**43 S THORNTON ROAD**

**GLEN MILLS PA 19342**

(610) 459-8911

REF: 27033.00173

INV:

DEPT:



J254025992401uv

TRK# 8875 7082 7057  
0207

**SATURDAY 5:00P**  
**STANDARD OVERNIGHT**

**X0 BIGA**

**19342**  
**PA-US PHL**



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2. Place label in shipping pouch and affix it to your shipment.

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**EXHIBIT B:**

**CONCORD TOWNSHIP'S DRAFT RESOLUTION AND FINDINGS OF FACT**

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EXHIBIT B

Draft 3/11/2026

**RESOLUTION NO. \_\_ - 2026  
INTER-MUNICIPAL TRANSFER OF GIANT COMPANY LIQUOR LICENSE**

**Resolution of the Concord Township Council, County of Delaware, Commonwealth of Pennsylvania, approving an Inter-Municipal Transfer of Restaurant Liquor License No. R-15669 from the Pennsylvania Liquor Control Board to The Giant Company, LLC to be operated at the Giant Food Store in the Shoppes at Concord to be located at the Intersection of Route 202/Wilmington Road and Ridge Road, Concord Township, Delaware County, Pennsylvania**

**WHEREAS**, the Township of Concord received the Petition of The Giant Company, LLC for Approval of an Inter-Municipal Transfer of a Liquor License requesting approval of an intermunicipal transfer of Liquor License No. R-15669 pursuant to Section 4-461 of the Pennsylvania Liquor Code in connection with proposed development of a the Giant Food Store to be located in the Shoppes at Concord located at the Intersection of Route 202/Wilmington Road and Ridge Road; and

**WHEREAS**, Concord Township conducted a public hearing, pursuant to public notice on February 24, 2026, at 7:00 p.m. at the Concord Township Municipal Building, 45 Thornton Road, Glen Mills, Pennsylvania, pursuant to the requirements of Section 4-461 of the Pennsylvania Liquor Code; and

**WHEREAS**, both the Township and the Applicant agree that the The Giant Company, LLC must obtain all required municipal approvals, including, but not limited to land development approval, zoning and/or use approval, building permits, and any other approvals required by Concord Township or any other governmental authority for the construction, build-out, and operation of the proposed grocery store; and

**WHEREAS**, Concord Township Council finds, based on the evidence produced at the public hearing and the relevant criteria, that the transfer of the liquor license will not adversely affect the health, welfare, peace or morals of the Township of Concord or its residents.

**NOW, THEREFORE, BE IT RESOLVED** by Concord Township Council that any such approval of the intermunicipal transfer of Liquor License No. R-15669 to The Giant Company, LLC, shall be subject to the following terms and conditions:

- 1) All alcohol sales and purchases are limited to beer, wine and ready-to-drink cocktails;
- 2) The inside restaurant of the store to be used for service and/or consumption of alcohol is to be restricted to the area of the building as set forth on the diagram attached hereto and marked as Exhibit “\_\_”.

- 3) Take out beer, wine and ready-to-drink cocktail sales are permissible, provided that said sales are limited as follows:
  - a. two six packs of beer;
  - b. 4 bottles of wine;
  - c. 192 ounces of ready-to-drink cocktails.

Further all containers are to be unopened and signs shall be conspicuously placed advising customers of the same.

- 4) Applicant will apply for and abide by the terms of all required Concord Township permits and licenses.
- 5) Sales of alcohol will begin at 8 am Monday through Saturday, 9 am on Sundays, and end at 10 pm seven days a week.
- 6) Food service must be available in the restaurant at all times when alcohol is being served.
- 7) No outdoor dining and/or outdoor alcohol sales are permitted.
- 8) No type of live entertainment is permitted.
- 9) Each of these conditions shall run with the license, unless modified by Concord Township Council by a subsequent Resolution of the Concord Township Council, or unless License R-15669 is transferred out of the Township.

**BE IT FURTHER RESOLVED** that any such approval shall not be deemed to confer any vested rights, nor shall it be construed as approval of any land development plan, zoning application, use, or construction activity.

**BE IT FURTHER RESOLVED** that this Resolution is adopted for the purpose of satisfying the requirements of the Pennsylvania Liquor Code, including 47 P.S. § 4-461(b.3), and shall not limit or prejudice the Township's full authority to review and act upon any future applications in accordance with applicable laws and ordinances.

**APPROVED AND RESOLVED** by the Concord Township Council, at its public meeting this 7th day of April, 2026.

**ATTEST:**

**TOWNSHIP OF CONCORD**

\_\_\_\_\_  
**Amanda Serock, Township Secretary**

By: \_\_\_\_\_  
**John Gillespie, Council Vice President**

The Applicant, by signing below, agrees to abide by all of the above listed terms and conditions.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

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Copying Prohibited

*Draft March 11, 2026*

Concord Township  
Giant Company, LLC  
Application for Intermunicipal Transfer of Liquor License

**DISCUSSION**

A public hearing was conducted on February 24, 2026, regarding the intermunicipal transfer of a liquor license into Concord Township. The hearing was duly advertised and the property was posted with notice of the February 24, 2026, hearing. Copies of the aforementioned advertising and notices were entered in the record.

The Applicant, Giant Company, LLC, was represented by Ellen Freeman, Esquire. A Mr. Kevin Voit of Concord Township appeared pro se opposing the Application.

The subject site is situated immediately adjacent to Chadds Ford Township. The question was asked whether anyone was present from Chadds Ford Township who opposed the Application, to which there was no reply.

The procedural context of this Application is unusual in the following regard. Both the Applicant and Concord Township agree that the underlying Land Development Plan which includes the Applicant's prospective Giant Store is still undergoing land development and zoning review. As such, the possibility exists that said development and Giant Store may not be approved. Also, it must be noted that the Applicant procured the subject liquor license at a PLCB auction in October of 2025, thereby triggering a statutory timeline for a transfer application to be filed within six (6) months. In order to file a timely application with the PLCB, the Applicant must have a Resolution from the receiving municipality (Concord Township) to allow the transfer.

Accordingly, both the Applicant and the Township agree that if an approval is granted it would be conditioned upon any other development approvals that would be required in order to proceed with the Land Development and the underlying Giant buildout. The parties also agree that if the Land Development and store location be denied, this Application will be a moot point.

Finally, the parties also agree that a Decision could be provided at the April 7, 2026, Concord Township public meeting.

### **TESTIMONY**

Applicant's counsel supplied an exhibit package to Council as well as to the audience. Said exhibit package was admitted (and is attached hereto and marked as Exhibit "A-1").

The Applicant presented one witness, a Mr. Scott Shaeffer, who is the Brand Compliance Manager for Giant Company, LLC. The following items were addressed by Giant's counsel and Mr. Shaeffer:

- There are presently 144 Giant stores in Pennsylvania operating with a liquor license.
- Giant has an exemplary record with the PLCB.
- Giant has a leasehold interest regarding the proposed store.
- Giant would provide a distinct space for the sale of alcoholic beverages and include an area for in-person dining and alcohol consumption (30 seats).
- The proposed hours of operation would be 9 am to 10 pm for the aforementioned liquor sales and restaurant operation.
- RAMP certification.
- 100% carding policy requiring card scanning and photo identification.
- For off-site consumption sales to customers, Giant will be limited to

- Two six packs of beer;
  - 4 bottles of wine; and
  - 192 ounces of ready-to-drink cocktails.
- For on-site consumption of alcohol, Giant will be limited to:
  - 24 ounces of beer;
  - 24 ounces of ready-to-drink cocktails; and
  - An 8.5 ounce bottle of wine.
- In order to consume alcohol in the store, customers must be seated in the designated area.
- There will be no outside dining or alcohol service.
- There will be designated registers for alcohol sales.
- The entire Giant store, including the designated liquor sale area, will be monitored by closed-circuit TV cameras.

Jane Hunt, a Concord Township resident testified regarding the inadequate spacing of the restaurant; Ms. Hunt believes that the seating is too tight, especially with regard to the booths. Specifically, the witness opined that the restaurant is illusory and that the Applicant is merely attempting to satisfied PLCB Code requirements so that liquor sales may occur. Finally, Ms. Hunt wanted to ensure that this license application was not taking away a license from a local Concord restaurant.

Mr. Kevin Voit, a Concord Township resident, testified in opposition to this Application by reading a letter which was provided to the Applicant and Counsel; said letter was marked as Exhibit “\_\_\_” and admitted into evidence. This letter is attached hereto and incorporated herein.

Upon cross examination by Ms. Freeman, Mr. Voit admitted that he was aware that in Concord Township, the Acme, Wegman's, and Whole Foods all have liquor licenses. Mr. Voit testified that he did not object to any of these prior liquor licenses being transferred into Concord Township. Mr. Voit again raised his objection indicating that an additional liquor license would not benefit the community as there was already a sufficient number.

At the conclusion of the witnesses' testimony, Concord's Solicitor asked "whether anyone had any specific evidence that this particular application posed a threat to the public health, safety, and welfare of Township residents?" There was no response.

During the course of the hearing, Concord Council members John Gillespie, Dana Rankin, Vinita Deshmukh, and James Hunt asked many probing questions regarding the proposed store operations, policies, restaurant and liquor sales area, identification process, personnel training and security.

The hearing commenced at 7:03 pm and the testimony concluded at 8:47 pm.

### **DECISION**

The Township conducted a public hearing, pursuant to public notice on February 24, 2026, at 7 p.m. at the Concord Township Municipal Building , 45 Thornton Road, Glen Mills, Pennsylvania, pursuant to the requirements of Section 4-461 of the Pennsylvania Liquor Code.

Concord Township Council resolves to approve the intermunicipal transfer of Liquor License R-15669 to the Giant Company, LLC, expressly conditioned upon the Giant Company, LLC obtaining all required municipal approvals, including but not limited to land development approval, zoning and/or use approval, building permits, and any other approvals required by

Concord Township or any other governmental authority for the construction, build-out, and operation of the proposed grocery store.

Concord Township Council finds, based on the evidence produced at the public hearing and the relevant criteria, that the transfer of the liquor license will not adversely affect the health, welfare, peace or morals of the Township of Concord or its residents.

This approval is further subject to the following conditions:

1. All alcohol sales and purchases are limited to beer, wine and ready-to-drink cocktails;
2. The inside restaurant of the store to be used for service and/or consumption of alcohol is to be restricted to the area of the building as set forth on the diagram attached hereto and marked as Exhibit “\_\_”.
3. Take out beer, wine and ready-to-drink cocktail sales are permissible, provided that said sales are limited as follows:
  - a. two six packs of beer;
  - b. 4 bottles of wine;
  - c. 192 ounces of ready-to-drink cocktails.

Further all containers are to be unopened and signs shall be conspicuously placed advising customers of the same.

4. Applicant will apply for and abide by the terms of all required Concord Township permits and licenses.
5. Sales of alcohol will begin at 8 am Monday through Saturday, 9 am on Sundays and end at 10 pm seven days a week.
6. Food service must be available in the restaurant at all times when alcohol is being served.

7. No outdoor dining and/or outdoor alcohol sales are permitted.
8. No type of live entertainment is permitted.
9. Each of these conditions shall run with the license, unless modified by Concord Township Council by a subsequent Resolution of the Concord Township Council, or unless License R-15669 is transferred out of the Township.

This approval shall not be deemed to confer any vested rights, nor shall it be construed as approval of any land development plan, zoning application, use or construction activity.

**EXHIBIT C:**

**CONCORD TOWNSHIP  
RESOLUTION NO. 22 - 2026**

Copying Prohibited

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EXHIBIT C



**Township of Concord**  
**DELAWARE COUNTY**

*COUNCIL: Dominic A. Pileggi, John J. Gillespie, John L. Crossan,  
Dana M. Rankin, Vinita Deshmukh, Larry Mutschler II, James G. Hunt*

**RESOLUTION NO. 22 - 2026**  
**INTER-MUNICIPAL TRANSFER OF GIANT COMPANY LIQUOR LICENSE**

**Resolution of the Concord Township Council, County of Delaware, Commonwealth of Pennsylvania, denying an Inter-Municipal Transfer of Restaurant Liquor License No. R-15669 from the Pennsylvania Liquor Control Board to The Giant Company, LLC to be operated at the Giant Food Store in the Shoppes at Concord to be located at the Intersection of Route 202/Wilmington Road and Ridge Road, Concord Township, Delaware County, Pennsylvania**

**WHEREAS**, the Township of Concord received the Petition of The Giant Company, LLC for Approval of an Inter-Municipal Transfer of a Liquor License requesting approval of an intermunicipal transfer of Liquor License No. R-15669 pursuant to Section 4-461 of the Pennsylvania Liquor Code in connection with proposed development of a the Giant Food Store to be located in the Shoppes at Concord located at the Intersection of Route 202/Wilmington Road and Ridge Road; and

**WHEREAS**, Concord Township conducted a public hearing, pursuant to public notice on February 24, 2026, at 7:00 p.m. at the Concord Township Municipal Building, 45 Thornton Road, Glen Mills, Pennsylvania, pursuant to the requirements of Section 4-461 of the Pennsylvania Liquor Code; and

**WHEREAS**, Concord Township Council finds, based on the evidence produced at the public hearing and the relevant criteria, that the transfer of the liquor license shall not be permitted at this time as the development plans and building permits have not be approved and also finds that Concord Township has a sufficient number of liquor licenses based on population.

**NOW, THEREFORE, BE IT RESOLVED** by Concord Township Council that any such approval of the intermunicipal transfer of Liquor License No. R-15669 to The Giant Company, LLC, shall be denied as the vote cast was two yays and two nays resulting in a denial.

**DENIED AND RESOLVED** by the Concord Township Council, at its public meeting this 7th day of April, 2026.

**ATTEST:**

**Amanda Serock, Township Secretary**

**TOWNSHIP OF CONCORD**

By:

**John Gillespie, Council Vice President**

**EXHIBIT D:**

**TRANSCRIPT OF FEBRUARY 24, 2026 PUBLIC HEARING**

Copying Prohibited

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1 MR. GILLESPIE: Good evening,  
2 everybody. We are here for a public  
3 hearing for The Giant Company, LLC.

4 The applicant is seeking conditional  
5 use approval for the transfer of a liquor  
6 license to serve alcohol at the Giant Food  
7 Store proposed in the land development, The  
8 Shoppes at Concord, proposed for the  
9 property located at the intersection of  
10 Route 202/Wilmington West Chester Pike and  
11 Ridge Road.

12 I have the proof of publication for  
13 the court reporter. Just a quick note to  
14 the applicant.

15 The board up here is called the  
16 township council, not the board of  
17 supervisors.

18 In the January 5th, 2026, letter to  
19 Amanda Serock from Ellen Freeman, Esquire,  
20 there was a typo in there. It referred to  
21 us as the board of supervisors.

22 Also in the resolution prepared by  
23 your office, there are four typos in there  
24 as well stating the board of supervisors.

1           So just a note that we are called the  
2 township council.

3           No decision will be made tonight. We  
4 will hear testimony from the applicant.  
5 Any questions will be asked by township  
6 council members, and we will hear from the  
7 public during the public comment period.

8           We ask that when you're making public  
9 comment, please state your name, address,  
10 and affiliation with the project, and also  
11 that you limit your comments to three  
12 minutes, and please refrain from repeating  
13 comments made by another speaker.

14           I don't see a large audience, so maybe  
15 that won't be an issue.

16           And also if you can silence your  
17 phones during the meeting, that would be  
18 appreciated.

19           Now I'll turn the proceedings over to  
20 our township solicitor.

21           MR. DONAGHUE: Thank you, Mr.  
22 Chairman. This is the hearing regarding  
23 the intermunicipal transfer of a restaurant  
24 liquor license to be operated at the future

1 Giant Supermarket pending the approval of  
2 the development of the land, the land  
3 development project located at Ridge Road  
4 and Route 202, Folio Number being  
5 13000105101.

6 I would ask the township manager, have  
7 we posted the property in question?

8 MS. SEROCK: Yes.

9 MR. DONAGHUE: Have we advertised this  
10 hearing?

11 MS. SEROCK: Yes.

12 MR. DONAGHUE: And have we notified  
13 by letter correspondence certain folks,  
14 immediate residents who live within I think  
15 it's either three or 500 feet?

16 MS. SEROCK: Yes.

17 MR. DONAGHUE: And do you have proof  
18 of the same for this evening?

19 MS. SEROCK: Yes.

20 MR. DONAGHUE: Would you mind giving a  
21 copy to the court reporter and we'll make  
22 that part of the record, unless there's  
23 some objection from anyone.

24 MS. SEROCK: Yes.

1 MR. DONAGHUE: Thank you.

2 Now, is there anyone here present  
3 representing the applicant? Would you  
4 please identify yourself?

5 MS. FREEMAN: Good evening. My name  
6 is Ellen Freeman. I'm an attorney with  
7 Flaherty & O'Hara, and I'm representing The  
8 Giant Company, LLC.

9 MR. DONAGHUE: Thank you.

10 And is there any attorney present  
11 either supporting this application, a  
12 different attorney supporting this  
13 application, or is there an attorney  
14 present opposing this application?

15 - - -

16 (No response.)

17 - - -

18 MR. DONAGHUE: Let the record reflect  
19 there is no one in that regard.

20 Now, first are there any township  
21 residents who are here supporting this  
22 application?

23 - - -

24 (No response.)

- - -

MR. DONAGHUE: Let the record reflect there are none.

Is there any township resident that is opposing this particular application, and would you please identify yourself for the record, sir?

MR. VOIT: Sure. My name is Kevin Voit, V-O-I-T.

MR. DONAGHUE: Thank you, sir.

Now, this application literally and the property in question and the liquor license connected thereto immediately borders Chadds Ford Township.

Is there anyone present from Chadds Ford Township that is supporting this particular application?

- - -

(No response.)

- - -

MR. DONAGHUE: Let the record reflect there are none.

Is there anyone here from Chadds Ford Township who is opposing this application

1 for liquor license?

2 - - -

3 (No response.)

4 - - -

5 MR. DONAGHUE: Let the record reflect  
6 that no one has indicated opposition in  
7 that regard.

8 Now, before we begin, I'd like to make  
9 a few prefatory remarks.

10 The first would be that the  
11 Pennsylvania Liquor Control Board has  
12 separate rules and regulations with respect  
13 to or has distinct rules and regulations, I  
14 should say, with respect to the transfer of  
15 a liquor license, especially when the  
16 transfer regards the transfer from outside  
17 the municipality, city, whatever, to  
18 another municipality, and there are also  
19 specific rules in regard to that transfer  
20 with respect to liquor licenses that are  
21 obtained at an auction.

22 And, counsel, it's my understanding  
23 that this particular license was obtained  
24 at an auction; correct?

1 MS. FREEMAN: That is correct.

2 MR. DONAGHUE: Could you please  
3 indicate for the record what your  
4 understanding of the LCB rules and  
5 regulations are with respect to a  
6 successful bidder, what they must do upon  
7 receiving acknowledgment that they're the  
8 successful bidder?

9 What must they do in terms of the  
10 transfer?

11 MS. FREEMAN: So in terms of the  
12 transfer, when you are the successful  
13 bidder at an auction liquor license, you  
14 have six months from the date you're  
15 awarded that bid in order to file a  
16 transfer application with the Pennsylvania  
17 Liquor Control Board.

18 MR. DONAGHUE: And if you do not  
19 receive an approval within six months, what  
20 would happen?

21 MS. FREEMAN: Well, the approval is  
22 not needed within six months. It's the act  
23 of filing the transfer application is  
24 needed within the six-month period.

1           So for this six-month period, that  
2           would be April 9th, 2026. And if you do  
3           not file by that date, you do lose that  
4           liquor license and the bid.

5           MR. DONAGHUE: Fair enough. With  
6           that in mind, Concord Township has its own  
7           separate rules and regulations regarding  
8           zoning and conditional uses, and that  
9           includes the transfer of a liquor license  
10          from outside the municipality or  
11          governmental entity, and I'm sure you're  
12          aware of that; correct?

13          MS. FREEMAN: Correct.

14          MR. DONAGHUE: Procedurally with  
15          respect to this case, the land development  
16          plan which proposes a Giant Supermarket,  
17          amongst at least ten other uses, some of  
18          which may also include a transfer of a  
19          liquor license in the future on this  
20          23-acre site, is presently under review.

21          I think you may understand that?

22          MS. FREEMAN: I do.

23          MR. DONAGHUE: The fact is, however,  
24          that at the developer's request, the zoning

1 hearing has been placed on hold, this is an  
2 understanding, as another land development  
3 plan, amended plan may be submitted to the  
4 township.

5 So at this point, neither the planning  
6 commission and/or council have formally  
7 completed any review of the land  
8 development plan and/or associated  
9 conditional uses associated therewith.

10 I have previously suggested that this  
11 matter be continued or postponed, this  
12 matter meaning tonight's hearing, until the  
13 land development process was completed.

14 However, as you just indicated this  
15 evening, you were told that you had to make  
16 your submission and there had to be a  
17 hearing within six months?

18 MS. FREEMAN: So when Giant first bid  
19 on this license, it was back in October of  
20 2025. That is when this process would have  
21 been initially started.

22 And they were -- I'm sorry. Excuse  
23 me. It might have been the month previous  
24 that they started the process and then they

1 are awarded it in October.

2 So we did hold off as long as we could  
3 in order to request the hearing, hoping  
4 that you would see some of the development  
5 side of things move along.

6 However, given the statutory timeframe  
7 under the liquor code, we were unable to  
8 postpone or grant any sort of additional  
9 continuation for this hearing.

10 MR. DONAGHUE: Okay. And just so I  
11 understand, it's your position that the LCB  
12 requires a hearing to take place within six  
13 months?

14 MS. FREEMAN: That's correct.

15 MR. DONAGHUE: Okay. What about the  
16 decision?

17 MS. FREEMAN: So the statutory  
18 timeline is based on the transfer  
19 application being filed within that six  
20 months.

21 In order to file a transfer  
22 application, we must have a resolution from  
23 the receiving municipality allowing for the  
24 transfer intermunicipally.

1           So we are unable to file a transfer  
2 application without a resolution approving.

3           MR. DONAGHUE: When are you supposed  
4 to -- that's what I'm asking. When are you  
5 supposed to receive that resolution?

6           MS. FREEMAN: Within the six months  
7 timeframe after they grant the initial bid  
8 to the six-month time period where you  
9 would file a transfer application.

10          MR. DONAGHUE: So the reality is that  
11 the township will not complete the  
12 conditional review associated with the  
13 underlying land development and the land  
14 development plan review probably until late  
15 summer. That's your earliest. Okay?

16           It would still have to go to the  
17 zoning and planning committee. It has to  
18 be reviewed.

19           It actually goes to planning, back to  
20 council, and then there will be  
21 simultaneous hearings on the conditional  
22 use and the land development plan.

23           So the developer is not going to get  
24 a decision probably until late summer at

1 your earliest. Okay?

2 So I believe, and I think you agree  
3 with me then, that if there was any  
4 approval of the transfer, the best that you  
5 could hope for would be a conditional  
6 approval, because obviously if for whatever  
7 reason the land development plan isn't  
8 approved, and I'm not saying it is or it  
9 isn't but.

10 If it wasn't, then there wouldn't be  
11 a Giant, and if there wasn't a Giant, then  
12 there would be no liquor license transfer.

13 Would you agree with that?

14 MS. FREEMAN: Yes. And I did submit  
15 to your office a revised resolution which  
16 would include the conditional language that  
17 upon approval, this would be conditioned  
18 upon any other development approvals that  
19 would be needed in order to build out that  
20 property.

21 MR. DONAGHUE: Fair enough. So we can  
22 agree then it would be conditional upon --  
23 this transfer approval would be conditioned  
24 upon the successful passage of the land

1 development plan, including the Giant,  
2 together with the conditional uses  
3 associated therewith.

4 You can agree to that?

5 MS. FREEMAN: Yes. Approval by the  
6 township council does not negate any other  
7 approvals that the developer would need in  
8 order to develop this site and for Giant to  
9 build out its building.

10 MR. DONAGHUE: Fair enough. And in  
11 relation to that, the conditional use side  
12 of this with respect to the liquor license  
13 transfer would include hearings on Section  
14 210-236, 210-237, and 210-238, which speaks  
15 to the transfer, et cetera.

16 Agreed?

17 MS. FREEMAN: Yes.

18 MR. DONAGHUE: Okay. And we also can  
19 agree that if we were successful or you  
20 were successful or the developer was  
21 successful in completing the land  
22 development project, it jumps through all  
23 the hoops, the township also has the  
24 ability to impose reasonable conditions on

1 the operation associated with the license.

2 MS. FREEMAN: Yes, with those proper  
3 meetings and notifications, yes.

4 MR. DONAGHUE: Okay. Fair enough. I  
5 mean, in terms of hours, I mean, this  
6 township in the past, there are other  
7 stores in this township, supermarkets, for  
8 instance, Acme, Whole Foods, Wegmans, they  
9 all, there's a Wawa, they all are able to  
10 sell liquor, and all of them have  
11 conditions that have been imposed by the  
12 township.

13 MS. FREEMAN: Yes. I am aware of  
14 those conditions on the other licensees  
15 within the township as our office does  
16 represent quite a few of them.

17 During the presentation that we'll  
18 provide later, the applicant's operational  
19 policies and procedures that they have at  
20 their other stores that they operate with a  
21 liquor license do fall within the  
22 conditional approvals that you've granted  
23 for other licensees within the township, so  
24 we would be able to agree tonight and in

1 the future to those conditions.

2 MR. DONAGHUE: Fair enough. Do you  
3 have a packet, an evidentiary packet that  
4 you intend to utilize this evening?

5 MS. FREEMAN: I have one exhibit for  
6 tonight's hearing, which is just the  
7 proposed licensed premises, and then an  
8 enlarged version of the grocery store to  
9 walk through what the seating area and the  
10 other features that the licensed area is.

11 MR. DONAGHUE: Do you have a number  
12 of copies of that?

13 MS. FREEMAN: I have 15 copies with  
14 me.

15 MR. DONAGHUE: That's great. So if  
16 you could then supply copies to this  
17 council and then also provide copies to  
18 the members of the audience and to Mr.  
19 Schwartz, the newspaper reporter over  
20 there, so everybody can be on the same  
21 page.

22 MS. SEROCK: This is A-1.

23 - - -

24 (Applicant's Exhibit A-1 was marked

1 for identification.)

2 - - -

3 MR. GILLESPIE: Mr. Solicitor, just a  
4 question. We talked about a hearing within  
5 six months and an approval or a  
6 non-approval.

7 When does the six-month period begin?  
8 When do we start the clock on the six  
9 months?

10 MR. DONAGHUE: I'll let counsel  
11 address that.

12 MS. FREEMAN: I missed the first part  
13 of it, but I do believe what you're looking  
14 for is the date, so let me see here.

15 So full bid, the bid was awarded to  
16 Giant Company on October 9th, 2025, and the  
17 deadline for filing the transfer  
18 application began on that day until  
19 April 9th, 2026. I hope that responded to  
20 the question.

21 MS. DESHMUKH: April 6th?

22 MS. FREEMAN: If I did say April 6th,  
23 then I might have just misspoken.

24 So a copy of the bid selection was

1 sent to township offices on January 20th,  
2 2026.

3 I can make a copy of that letter an  
4 exhibit in this hearing if that would be  
5 helpful.

6 MR. DONAGHUE: That's fine. That's up  
7 to you. I think you did that and when you  
8 also submitted the conditional use  
9 application on 2-2-26; correct?

10 MS. FREEMAN: That's correct.

11 MR. DONAGHUE: Okay. I'll leave that  
12 up to you.

13 Now, before we go any further, Mr.  
14 Gillespie, does that answer your question?

15 MR. GILLESPIE: Yes. So you're  
16 telling me that we have to act on or before  
17 April the 9th of 2026 or it would be a  
18 deemed approval without us acting.

19 MS. FREEMAN: So the time period  
20 for -- so this hearing is held pursuant to  
21 the Liquor Code, Section 461(b)(3).

22 Under that particular section, the  
23 township has 45 days to hold a hearing and  
24 render a decision unless they elect to take

1 an additional 60 days, so 105 days in  
2 total, in order to hold a hearing and to  
3 render a decision.

4 So the township has until April 20th  
5 in order to hold a hearing and render a  
6 decision on our request for an  
7 intermunicipal transfer.

8 I do understand that that April 20th  
9 decision date does fall past our deadline.  
10 The liquor control board does allow for  
11 applicants to file on the deadline date, as  
12 long as there's been a hearing that's been  
13 held.

14 So since tonight's hearing is being  
15 held, we would be able to file without a  
16 resolution, and they would hold our  
17 application in abeyance until a decision  
18 was made by April 20th.

19 MR. GILLESPIE: Thank you. I'm just  
20 trying to fix in my mind, we have our  
21 hearing tonight.

22 It seems like we have enough time to  
23 come up with a decision before April 20th,  
24 2026.

1 MR. DONAGHUE: I would agree.

2 So, Amanda, the first Tuesday in April  
3 is what day?

4 MS. SEROCK: Give me one second.  
5 April the 7th.

6 MR. DONAGHUE: All right. So you  
7 would agree, counsel, that if this board  
8 entertained a resolution, it would be  
9 needed April 7th, or a decision, that would  
10 satisfy the LCB rules and regulations?

11 MS. FREEMAN: That would satisfy the  
12 liquor code statutory requirement that you  
13 render a decision within 105 days of our  
14 request.

15 MR. DONAGHUE: Okay. Great.

16 Now, Mr. Voit, you received a copy of  
17 A-1, I believe. Are you objecting in any  
18 way to this particular exhibit?

19 MR. VOIT: No.

20 MR. DONAGHUE: Okay. Other than A-1,  
21 do you have any other exhibits?

22 MS. FREEMAN: Not at this time.

23 MR. DONAGHUE: Okay. We can agree  
24 that you did submit to the township the

1 conditional use application on 2-2-26.

2 Your first submission to the township,  
3 I believe, was January 2nd, the letter  
4 application or letter request?

5 MS. SEROCK: It's dated January 5th.

6 MR. DONAGHUE: January 5th.

7 MS. FREEMAN: Yes.

8 MR. DONAGHUE: We'll make those part  
9 of the record.

10 MS. SEROCK: Hold on. So Exhibit A-2  
11 is the conditional use application?

12 MR. DONAGHUE: Yes.

13 MS. FREEMAN: Okay.

14 - - -

15 (Applicant's Exhibit A-2 was marked  
16 for identification.)

17 - - -

18 MS. SEROCK: Exhibit A-3 is the  
19 January 5th letter?

20 MR. DONAGHUE: Correct.

21 - - -

22 (Applicant's Exhibit A-3 was marked  
23 for identification.)

24 - - -

1 MR. DONAGHUE: And I believe A-2 has a  
2 number of other documents with it.

3 There's a letter associated with that,  
4 and that is the letter of January 5th, and  
5 then there's a proposed resolution and then  
6 the advertisement copy, et cetera.

7 All right?

8 MS. SEROCK: So then we don't need  
9 A-3?

10 MR. DONAGHUE: What is A-3?

11 MS. SEROCK: A-3 was the January 5th  
12 letter that was included in the conditional  
13 use application and then application --

14 MR. DONAGHUE: No. Just keep A-3 the  
15 way it is.

16 MS. SEROCK: Okay.

17 MR. DONAGHUE: All right. And how  
18 many witnesses are you going to present  
19 this evening, ma'am?

20 MS. FREEMAN: I'm sorry?

21 MR. DONAGHUE: How many witnesses are  
22 you going to present this evening?

23 MS. FREEMAN: I have one witness this  
24 evening.

1 MR. DONAGHUE: Okay. Why don't you  
2 begin?

3 MS. FREEMAN: Okay. Great. Well,  
4 thank you again for your time. My name is  
5 Ellen Freeman. I'm an attorney at Flaherty  
6 & O'Hara.

7 We are a law firm based in Pittsburgh,  
8 and we do liquor licensing across the  
9 state.

10 Feel free to pick my brain on the  
11 liquor code. I've been doing this for  
12 about a little over a decade now. I've  
13 been before your council before.

14 Tonight I'm here representing The  
15 Giant Company, LLC. I have here with me  
16 this evening from The Giant Company Scott  
17 Sheaffer.

18 He is the brand compliance manager,  
19 and he has been with the company for over  
20 23 years, so he will also be someone to ask  
21 any compliance questions to.

22 Together we are here to request that  
23 Concord Township approve a resolution which  
24 would permit the intermunicipal transfer of

1 a restaurant liquor license that's  
2 currently being sold by the liquor control  
3 board via auction.

4 This hearing is pursuant to the liquor  
5 code. 461(b)(3) covers this public hearing  
6 and requires that a public hearing be held  
7 by the municipal governing body for the  
8 purpose of receiving comments and  
9 recommendations of interested individuals  
10 residing in the municipality concerning the  
11 applicant's intent to transfer a license.

12 As your solicitor mentioned and as I'm  
13 sure everyone is aware is where this liquor  
14 license will be transferred.

15 It would be to a new development, this  
16 proposed development which is known as The  
17 Shoppes at Concord, and that is at the  
18 corner of Route 202 and Ridge Road.

19 Now, this wouldn't be Giant's first  
20 liquor license in Pennsylvania. They  
21 currently operate 144 stores in  
22 Pennsylvania with either restaurant liquor  
23 licenses -- excuse me -- 144 with active  
24 restaurant liquor licenses and one with an

1 active eating place liquor license. Both  
2 are considered retail licenses.

3 Giant's operation of liquor licenses  
4 in Pennsylvania stems back to 2009, and  
5 even with their operations spanning well  
6 over a decade, Giant has an incredible  
7 record with the Pennsylvania Bureau of  
8 Liquor Control Enforcement as well as the  
9 Liquor Control Board.

10 They are really considered as one of  
11 the gold standards in Pennsylvania with  
12 respect to how they operate their liquor  
13 licenses.

14 This gold standard and exemplary  
15 record is really largely based on their  
16 safety policies that they put into place at  
17 each of their stores, each of their 145  
18 stores with a liquor license.

19 Many of their policies go above and  
20 beyond what the liquor code requires, and  
21 they've worked with municipalities and  
22 boards such as yourself, councils such as  
23 yourselves, to ensure that they're bringing  
24 the most responsible operation to their

1 constituents and to the communities that  
2 they are serving, and they have worked with  
3 municipalities to ensure that everyone is  
4 on board with how they are operating their  
5 liquor license.

6 They understand that it is a category  
7 that deserves extra sensitivity.

8 Now, I've passed out previous to this  
9 hearing Exhibit A-1, which is the floor  
10 plan, the proposed floor plan for the  
11 licensed area.

12 MR. DONAGHUE: Counsel, before we go  
13 any further, I believe it's necessary that  
14 your client have legal standing to proceed  
15 with this hearing.

16 So what type of legal interest does  
17 your client have with respect to this  
18 project? Is he an owner, a lessee?  
19 What's going on?

20 MS. FREEMAN: The Giant Company leases  
21 property at this intersection.

22 MR. DONAGHUE: And do we have a copy  
23 of the lease to indicate the same?

24 MS. FREEMAN: Yes. Your office was

1 provided with the first and the last page  
2 showing signatures that there is a  
3 leasehold interest in this property.

4 MR. DONAGHUE: That may be true, but  
5 you might want to put that into evidence,  
6 if you have it.

7 MS. FREEMAN: Sure. I do have a copy  
8 of the first and last page of the lease  
9 agreement for this property. We can enter  
10 it in as A-4.

11 MR. DONAGHUE: That's fine.

12 - - -

13 (Applicant's Exhibit A-4 was marked  
14 for identification.)

15 - - -

16 MS. FREEMAN: I apologize. I do not  
17 have copies of it. However, I can provide  
18 this with the court reporter.

19 MR. DONAGHUE: If anyone wants to see  
20 the particular lease or first and last page  
21 of the lease that's been marked as A-4,  
22 they may do so.

23 You can do so now or you can do so  
24 before you cross-examine and/or present any

1 evidence.

2 On that basis, you can continue.

3 MS. FREEMAN: Thank you. So for the  
4 exhibit that's in front of you, the A-1  
5 exhibit that I'm referring to, which is  
6 just the proposed licensed premises, you  
7 can see that it's a small section of the  
8 grocery store that would be constructed.

9 And as you're envisioning looking at  
10 the grocery store, it's located in the  
11 bottom left-hand corner next to the  
12 left-hand side of the vestibule, to the  
13 left-hand side of the entrance into the  
14 store itself.

15 As with all grocery stores and  
16 convenience stores that operate a liquor  
17 license, Giant is required to have at least  
18 30 seats for their patrons within the  
19 licensed premises.

20 So again, if you're looking at the  
21 bottom left-hand corner, there is a label  
22 of booth seating area.

23 So that is where Giant will maintain  
24 at least 30 seats for their customers to

1 consume any food on premises.

2 Now, Giant, as a restaurant liquor  
3 licensee, must also provide food items. So  
4 as you're looking at the top left-hand part  
5 of the exhibit, you can see that that  
6 connects to the kitchen.

7 So the kitchen there, their deli area  
8 will supply the licensed premises with  
9 ample food to meet the food requirement for  
10 the liquor control board.

11 The food that's currently displayed  
12 there, there will be a sushi offering, as  
13 well as their hot serving bar.

14 So that is going to be various hot  
15 assorted protein options as well as hot  
16 side dishes that consumers can order from  
17 the deli there and then sit within that  
18 seating area to consume the meals.

19 Those meals are also still open to be  
20 taken home by customers.

21 The proposed hours of operation will  
22 be daily from 9:00 a.m. to 10:00 p.m., so  
23 those hours of operation are the proposed  
24 hours where they will be selling alcohol

1           within that licensed area.

2                   The grocery store itself may operate  
3           under different hours. However, they are  
4           limiting their alcohol sales to those  
5           hours.

6                   Giant will be fully RAMP certified.  
7           If you're not familiar with RAMP, that's  
8           the Responsible Alcohol Management Program.

9                   This program teaches -- there's two  
10          parts of it.

11                   So it teaches the servers and the  
12          sellers, excuse me, I should really say  
13          sellers, as there is no service staff at  
14          The Giant Company stores.

15                   The sellers will go through the  
16          training course, and this is required  
17          before they can sell alcohol at Giant.

18                   This seller course goes through a  
19          myriad of different scenarios which an  
20          employee would be faced with.

21                   They teach them how to properly card  
22          a patron, how to spot a fake ID, how to  
23          spot a visibly intoxicated person, as well  
24          as all of the liquor code requirements with

1           respect to selling alcohol.

2                     In addition to the RAMP seller/server  
3           training that each of the associates will  
4           go through, they go through an internal  
5           training, which I'm sure Scott can speak to  
6           later on if you have any questions about  
7           what that goes through.

8                     Essentially it's going to teach the  
9           associates what additionally Giant does to  
10          ensure the safe sale of alcohol. It will  
11          teach those servers that Giant has a  
12          100 percent carding policy.

13                    No matter what your age, if you do  
14          walk into the grocery store to purchase  
15          alcohol, you're going to be carded by one  
16          of the associates.

17                    This removes the gray area from  
18          alcohol sales. It allows their associates  
19          to not have to make a judgment call in  
20          terms of how old someone might be in order  
21          to purchase alcohol.

22                    In addition to that, with each  
23          transaction, the associates are trained to  
24          request identification and to run that

1 identification through a card scanner  
2 transaction device, and this is just a  
3 second prong to ensure that that individual  
4 is of age to purchase alcohol.

5 That ID will then be run through the  
6 scanner. It will calculate the birth date  
7 for the associate, let them know if it's a  
8 valid ID, and also let them know if it's  
9 expired or not.

10 So it really helps the associate to  
11 take out the guessing game with respect to  
12 identification.

13 The store, the licensed premises will  
14 also have a manager assigned to that area  
15 specifically, and that manager will take  
16 the owner/manager training course.

17 This just goes above and beyond what  
18 the seller/server training course teaches  
19 them.

20 That individual will then be  
21 responsible for associates within that  
22 licensed premises to make sure that they're  
23 all trained when using the register and in  
24 stocking the store.

1           In terms of alcohol sales, you've  
2           probably heard this with the other  
3           convenience stores and grocery stores with  
4           restaurant liquor licenses.

5           They are limited in what they can sell  
6           for offsite consumption.

7           MR. DONAGHUE:  If I may, and don't  
8           take me wrong.  You're doing an excellent  
9           job with regard to the site, but you're the  
10          attorney.  You're not the witness.

11          So at some point, is this gentleman  
12          going to adopt what you're saying, or what  
13          exactly are we doing here?

14          MS. FREEMAN:  Yes.  At the end of the  
15          presentation, I'll offer proof for him.

16          MR. DONAGHUE:  Okay.  I'll wait and  
17          see.

18          MS. FREEMAN:  Well, if you would  
19          prefer him to be sworn in now, we can do  
20          that, or at the end.

21          MR. DONAGHUE:  I'm just simply  
22          saying, you're providing a lot of  
23          testimony, but you're not a witness.  
24          You're the lawyer.

1 MS. FREEMAN: I'm the agent of the  
2 applicant.

3 MR. DONAGHUE: Okay. Okay. So you  
4 may want to get him sworn. It's your  
5 hearing, but --

6 MS. FREEMAN: Okay. I can have him  
7 sworn in. I'll just finish up my  
8 presentation here.

9 MR. DONAGHUE: Sure.

10 MS. FREEMAN: And I will have him  
11 sworn in and offer up proof of testimony.

12 MR. DONAGHUE: Fair enough.

13 MS. FREEMAN: Okay. So in terms of  
14 the off-premises consumption, Giant will be  
15 limited to selling 192 fluid ounces of beer  
16 to go, which is roughly two six-packs;  
17 3,000 milliliters of wine to go, which is  
18 roughly four standard bottles of wine; and  
19 192 fluid ounces of spirits made to drink,  
20 which are commonly referred to as  
21 ready-to-drink cocktails.

22 These are canned cocktails that you've  
23 seen probably on the shelves these days.

24 Locally, I would say, Stateside is probably

1 one of the prominent, High Noon, beverages  
2 in those categories.

3 Because they are a restaurant liquor  
4 license, the liquor control board maintains  
5 that they must allow for on-premises  
6 consumption.

7 Typically and previous to this policy  
8 change by the liquor control board, Giant  
9 did not allow for onsite liquor  
10 consumption.

11 Because they are required to by PLCB  
12 policy, they are limiting what you consume  
13 on premises.

14 So a patron who wants to consume an  
15 alcoholic beverage on premises is permitted  
16 to drink 24 ounces total of either beer or  
17 a ready-to-drink-based cocktail or one  
18 eight-and-a-half-ounce bottle of wine,  
19 which are the single-serving bottles of  
20 wine.

21 In addition to the limitation on what  
22 you can consume on premises, you do have to  
23 be sitting within the seating area in order  
24 to consume.

1           You're not permitted to walk around  
2           even the licensed area with an open  
3           container, and you're certainly not  
4           permitted to walk around the grocery store  
5           or the parking lot with an open container.

6           Now, this is a self-imposed rule.  
7           Giant, as a restaurant liquor licensee,  
8           would be permitted to sell more than that.

9           However, they maintain this policy  
10          across all of their stores with liquor  
11          licenses.

12          They found that at the 145 other  
13          locations where they maintain this policy,  
14          it's pretty easy to police.

15          If you're taking a look again at that  
16          Exhibit A-1, you can see where the booth  
17          seating area is abutting the wall there.

18          And then just to the right of it where  
19          you see the beer storage and then just  
20          above that is where the registers will be  
21          located.

22          So those registers are going to be  
23          manned by those associates who I already  
24          explained will be trained prior to working

1 at that register, and so they will have a  
2 full, visible view of that booth seating.

3 And they are trained during the  
4 internal training policy classes to  
5 maintain and watch that seating area in  
6 order to ensure if anyone does open any  
7 alcohol beverage, that associate is keeping  
8 an eye on that individual in order to  
9 ensure that their policy and their drink  
10 limit is maintained.

11 At that register, those are the only  
12 registers within the entire building that  
13 will accept the beer, wine, and  
14 ready-to-drink cocktails as they eat, so  
15 those are the only registers in which  
16 alcohol can be purchased.

17 This is a liquor code requirement.  
18 However, this is also the best way to  
19 ensure that the individual who is checking  
20 out and selling that alcohol has been  
21 properly trained.

22 Of course, there will be security  
23 cameras within the licensed premises that  
24 will be focused not only on the shelving

1           that contains the alcohol but the registers  
2           where all sales will be passing through.

3                    At this point, this does conclude the  
4           testimony on behalf of the applicant.

5                    I do, as your solicitor requested, I  
6           would like my one witness from Giant to be  
7           sworn in, and then I will have him do an  
8           offer of proof, if you could state your  
9           name and title for the record.

10                   - - -

11                            APPLICANT'S EVIDENCE

12                   - - -

13                            SCOTT SHEAFFER,

14           having been first duly sworn, was examined and  
15           testified as follows:

16                   - - -

17                            THE WITNESS: Scott Sheaffer,

18                            S-H-E-A-F-F-E-R.

19                   - - -

20                            DIRECT EXAMINATION

21                   - - -

22           BY MS. FREEMAN:

23                    Q.     Mr. Sheaffer, you've been in the room  
24           during my testimony on Giant's operation and

1 future plans for a restaurant inside a proposed  
2 future grocery store.

3 Do you affirm that the testimony I've  
4 provided the township council and Concord  
5 Township residents is an accurate representation  
6 of Giant's future plans to open and operate a  
7 restaurant liquor license inside a grocery store  
8 located in Concord Township, and do you accept  
9 this testimony as if it were your own?

10 A. It is, and I do.

11 Q. Thank you.

12 MS. FREEMAN: With that, I'll just  
13 put in closing on our testimony that Giant  
14 is, of course, very sensitive to selling  
15 alcohol within the township.

16 Giant is also -- and both Scott and I  
17 are aware of the concerns with the  
18 development itself.

19 That piece, for us, we do not have  
20 anything to provide to the township on at  
21 this moment.

22 I do not represent the developer, and  
23 Mr. Sheaffer does not work for the  
24 developer.

1           We understand the timeline is unusual  
2           for this particular development and that  
3           ideally it would happen post approval. If  
4           we could wait on this liquor license, we  
5           would have.

6           However, we do appreciate your  
7           consideration of the approval this evening  
8           and the resolution that would be  
9           conditional upon any other approvals that  
10          would be necessary for the development.

11          One additional aspect of this is that  
12          even if the board or, excuse me, council  
13          were to approve this this evening, if the  
14          development never took place, the approval  
15          would be a moot point.

16          It is specific for this grocery store,  
17          for this development of this grocery store,  
18          so Giant would be unable to move it  
19          anywhere else within Concord Township.

20          They would essentially lose this  
21          liquor license with the liquor control  
22          board, but we would like the opportunity to  
23          at least try, and also again knowing that  
24          even if we did get it approved and the

1 development was not approved, this liquor  
2 license would not become active within  
3 Concord Township.

4 MR. DONAGHUE: Thank you.

5 Now, does any member of council have  
6 any questions? If you have questions, pose  
7 your questions to Mr. Sheaffer, since he is  
8 actually the witness. Thank you.

9 MR. GILLESPIE: Yes, I have several  
10 questions.

11 - - -

12 EXAMINATION

13 - - -

14 MR. GILLESPIE: You went a little bit  
15 too quick when you were talking about the  
16 ounces of beer. I got 192 ounces.

17 I didn't quite get the amount of the  
18 wine. What was the limit on the wine?

19 THE WITNESS: Eight and a half ounces  
20 of wine, equivalent to a single-serve  
21 bottle.

22 MR. DONAGHUE: I think Mr. Gillespie  
23 is asking in terms of takeout, what they  
24 can take out as opposed to what they can

1 consume.

2 MR. GILLESPIE: Right. So if I went  
3 into the store and I wanted to buy two  
4 bottles of wine, is that the limit? Or  
5 what would the limit be?

6 THE WITNESS: No. The limit for  
7 takeout is limited to 3,000 milliliters of  
8 wine.

9 MR. GILLESPIE: 3,000 milliliters.  
10 Okay.

11 THE WITNESS: The limit for  
12 on-premises consumption, our house policy  
13 is one eight-and-a-half ounce, an  
14 eight-and-a-half-ounce bottle of wine.

15 MR. GILLESPIE: Okay. How about the  
16 ready-to-drink cocktail, takeout. Takeout.

17 THE WITNESS: Takeout ready-to-drink  
18 cocktails are limited to 192 fluid ounces,  
19 as is, and I will add for malt beverages,  
20 beer, is also limited to 192 fluid ounces.

21 MR. GILLESPIE: Perfect. Okay. So  
22 looking at Exhibit A-1, you have 30 seats  
23 in the beer seating area.

24 I guess it's called the "beer garden

1 seating," and it's also the "booth  
2 seating."

3 Are they two separate items, or is  
4 that one item?

5 THE WITNESS: It is one item.

6 MR. GILLESPIE: One item. Okay. By  
7 "booth," you mean booths like you have in a  
8 restaurant?

9 THE WITNESS: That is correct.

10 MR. GILLESPIE: Four people at a  
11 booth?

12 THE WITNESS: Six people in a booth.

13 MR. GILLESPIE: Six. Okay. So when  
14 I look at the Exhibit A-1, I'm looking at  
15 the bottom of the sheet, I see the entrance  
16 in a vestibule.

17 Is that the entrance from the parking  
18 lot?

19 THE WITNESS: It is.

20 MR. GILLESPIE: Okay. And the other  
21 door to the vestibule, that's the entrance  
22 to the store itself?

23 THE WITNESS: It is.

24 MR. GILLESPIE: Okay. So what happens

1 if I'm in Giant and I'm buying groceries,  
2 and I decide to come in and buy two bottles  
3 of wine?

4 I would exit with my shopping cart and  
5 go into the beer area or wine area and  
6 purchase two bottles of wine?

7 THE WITNESS: Yes.

8 MR. GILLESPIE: Okay. So I think we  
9 started out by saying that it doesn't show  
10 me where the rest of the store is.

11 Is that the party wall, when I'm  
12 looking at Exhibit A-1, all along the left  
13 side? Is that the party wall of the entire  
14 Giant store?

15 THE WITNESS: The rest of the store,  
16 what is not shown in the snippet here,  
17 would be to the northeast corner of this  
18 snippet here.

19 MR. GILLESPIE: I don't see a  
20 direction sign, a north arrow on here. I  
21 don't know what the northeast corner would  
22 be.

23 THE WITNESS: The top right-hand side  
24 of the page. So I have here, this is the

1 lower left-hand corner where the licensed  
2 area exists.

3 The rest of the non-licensed grocery  
4 store would exist in this area over here.

5 MR. GILLESPIE: Okay. But if you look  
6 on the left side, that wall, that wall --

7 THE WITNESS: Yes.

8 MR. GILLESPIE: Is that the wall of  
9 the Giant store?

10 THE WITNESS: It is.

11 MR. GILLESPIE: Okay.

12 THE WITNESS: So -- and just to  
13 clarify, this wall here is the exterior  
14 wall of our store.

15 MR. GILLESPIE: Okay. Perfect. Okay.

16 I do frequent the Giant store on  
17 Dilworthtown Road, and I do purchase wine  
18 there from time to time.

19 And so the only difference from  
20 Concord Township and Dilworthtown Road is  
21 that you're providing food.

22 Are you familiar with the Dilworthtown  
23 store?

24 THE WITNESS: I am.

1 MR. GILLESPIE: Okay.

2 THE WITNESS: There's food provided.  
3 I do not have a layout here right in front  
4 of me, but from memory there's food that's  
5 provided in both of those locations.

6 Food can also be made available in any  
7 of our stores through the use of a menu, a  
8 menu of the food that can be ordered and  
9 purchased and consumed on the licensed  
10 premises.

11 MR. GILLESPIE: But in the  
12 Dilworthtown store, there's no place to sit  
13 down and enjoy your food.

14 THE WITNESS: Yes, there is.

15 MR. GILLESPIE: There is?

16 THE WITNESS: Yes.

17 MR. GILLESPIE: What am I missing?

18 THE WITNESS: There's 30 seats made  
19 available on the licensed premises in each  
20 of our locations.

21 MR. GILLESPIE: Okay. I don't think  
22 there are. Okay. That's all I have for  
23 now.

24 MS. DESHMUKH: You mentioned you have

1 145 locations in Pennsylvania.

2 THE WITNESS: Yes, we do.

3 MS. DESHMUKH: Are there other sales  
4 for alcohol from 9:00 to 10:00? Does  
5 anybody have any different hours at the  
6 other locations?

7 THE WITNESS: Our standard operating  
8 hours are from 9:00 a.m. in the morning  
9 till 10:00 p.m. at night.

10 MR. GILLESPIE: So is that seven days  
11 a week?

12 THE WITNESS: Yes, seven days a week.

13 MR. GILLESPIE: Because I know we have  
14 some of the other locations in Concord, we  
15 have different hours for Saturdays and  
16 Sundays as opposed to the rest of the week.

17 MR. DONAGHUE: We do. We have imposed  
18 different conditions on the stores in our  
19 township than he may have just mentioned,  
20 but we're permitted to do so if we deem it  
21 necessary.

22 MS. DESHMUKH: One other question is,  
23 now, the portion of the grocery store  
24 versus there, this area is going to be

1 located, I'm presuming that's all open  
2 area, that darkened line that you show.

3 THE WITNESS: Yes, that is open area.

4 MS. DESHMUKH: How do you find if  
5 there is somebody walking around in the  
6 liquor store to commit theft?

7 THE WITNESS: So we utilize a couple  
8 of different methods. One is what counsel  
9 mentioned.

10 As she said, in this area, there is a  
11 register where the product must be paid for  
12 per the liquor code, so this area during  
13 its operating hours is manned, so with  
14 human eyes watching for theft to occur.

15 The other method --

16 MS. DESHMUKH: Right here.

17 THE WITNESS: That is correct. That  
18 is the register. That is the register  
19 leading into the vestibule.

20 The other method that we utilize for  
21 theft occurrence and antitheft protection  
22 not only in this licensed area but through  
23 the entire store is closed-circuit TV  
24 cameras.

1           So we utilize that as a deterrent, as  
2           well as a detective measure in the event if  
3           that was to take place.

4           MR. GILLESPIE: So when I go to Giant  
5           in Dilworthtown Road and buy one bottle of  
6           wine, two bottles of wine, a six-pack of  
7           beer, they put it in a brown bag, they fold  
8           it over, they staple the top of the bag,  
9           along with your receipt, and you put it in  
10          your shopping cart, so you can go  
11          throughout the store and then proceed to  
12          buy your groceries.

13          So when you go to check out, the  
14          cashier at the check-out knows that I  
15          already paid for whatever I had purchased,  
16          whether it's beer or alcohol or whatever.

17          Is that your standard policy?

18          THE WITNESS: Our policy is at a  
19          minimum that the receipt must be attached  
20          to the product being purchased.

21          Some of our markets might operate  
22          differently, such as placing it in a bag,  
23          but at a minimum, a receipt must be  
24          attached to the product for the exact

1 example that you gave.

2 So that if you are continuing to shop  
3 in the non-licensed part of the store, that  
4 cashiers recognize that that alcohol  
5 purchase has been paid for.

6 MR. GILLESPIE: Okay.

7 MS. DESHMUKH: And the area, I'm  
8 assuming this is the area where the kitchen  
9 is; right?

10 THE WITNESS: Yes.

11 MS. DESHMUKH: So since there is no  
12 person that is actually serving the food,  
13 the customer would go and pick up their  
14 food and then bring it to the sitting area?  
15 Is that how it works?

16 THE WITNESS: Yes. The area that you  
17 were pointing to there is self-service.

18 What we have here is a self-service  
19 sushi counter, no different than what is  
20 in any of our other stores, a self-service  
21 eight-foot hot chicken where there's  
22 rotisserie chickens that are prepared and  
23 they're packaged for anybody to select on  
24 their own.

1           There's a hot food bar here, so much  
2           like a buffet line where you self-serve  
3           into a container, weigh it, and pay based  
4           upon weight.

5           And then there is a self-serve four  
6           basins with hot soup there where again you  
7           self-serve your serving of soup that you  
8           desire and then pay for that.

9           MS. DESHMUKH: So they are basically  
10          eating and drinking on the premises.

11          You said eight and a half ounce,  
12          right, I believe one serving; right?

13          THE WITNESS: Of the alcohol?

14          MS. DESHMUKH: Yes.

15          THE WITNESS: Yes.

16          MS. DESHMUKH: They would first need  
17          to pick up the food then; right?

18          My concern is that somebody is going  
19          to walk out of that area into the grocery  
20          store with alcohol.

21          THE WITNESS: Anything that is going  
22          to be consumed on the premises must first  
23          be paid for.

24          MS. DESHMUKH: Okay. But they could

1 still go into the kitchen area with their  
2 alcohol, right, to pick up the food after  
3 they paid for their alcohol?

4 THE WITNESS: Yes. Yes, they could.

5 MS. DESHMUKH: Okay. And there is  
6 nobody looking, because there could be kids  
7 in the grocery store.

8 And I know you have probably the same  
9 setup in your other Giant stores, but I  
10 want to make sure.

11 THE WITNESS: Sure. If I can just  
12 explain, actually explain this process, the  
13 kitchen area here.

14 So, first of all, the majority of what  
15 we see here that has been classified as the  
16 kitchen area is for, it's a kitchen.

17 So it's for staff personnel where  
18 preparation takes place, not an area where  
19 what I will refer to as the general public  
20 or a consumer in our store would be.

21 Per our diagram here, you can see the  
22 dotted line, which represents the perimeter  
23 of the licensed area.

24 It sticks out from what I described

1 as the sushi, the kitchen, the hot foods.  
2 It sticks out about 20 inches or so.

3 We do that so that we make this area  
4 contiguous with the rest of the serving  
5 area so that everything is tied in.

6 So, yes, technically you have your  
7 alcoholic beverage and you can be in the  
8 back kitchen area.

9 But I would just like to point out,  
10 you're just in the small, very small area  
11 of that configuration, the licensed area.

12 MS. DESHMUKH: Then one last question.  
13 Is this the restaurant liquor license, or  
14 is it going on with a wine-expanding  
15 permit?

16 MS. FREEMAN: Yes. So Giant operates  
17 144 restaurant liquor licenses. Each of  
18 those licenses has a wine-expanded permit  
19 and a ready-to-drink cocktail permit.

20 Those two ancillary permits allow  
21 Giant to sell both wine and the  
22 ready-to-drink cocktails for off-premises  
23 consumption.

24 So those are add-on permits that they

1 do put onto each of their restaurant liquor  
2 licenses.

3 MS. DESHMUKH: Are there any timelines  
4 for the other permits?

5 MS. FREEMAN: No. The addition of  
6 those permits would not be added onto the  
7 liquor license until the liquor control  
8 board not only approved the transfer, but  
9 until Giant is ready to open.

10 That's when we add on the  
11 wine-expanded permit and the ready-to-drink  
12 cocktail, right before the liquor control  
13 board would come out and do their  
14 inspection of a final version of the  
15 licensed premises.

16 MS. DESHMUKH: Thank you.

17 MS. HUNT: I have a question.

18 Mr. Sheaffer, your attorney stated  
19 that they request an ID, they need some  
20 form of an ID in order to purchase  
21 alcohol.

22 What kind of an ID is acceptable?

23 THE WITNESS: So we accept the IDs  
24 that are acceptable per the Pennsylvania

1           Liquor Code, which is a stage two  
2           photograph ID by state of Pennsylvania or  
3           any photo within the 50 states of the  
4           United States and including Canada; a  
5           passport, any passport, as well as a U.S.  
6           military voter license.

7           MR. HUNT: And your attorney stated  
8           that this ID would be scanned.

9           So, for example, if you're scanning  
10          a Pennsylvania ID, it has a lot of very  
11          personal data in that.

12          How much of that data are you  
13          collecting besides the birth date?

14          THE WITNESS: None.

15          MR. HUNT: None. Do you have like a  
16          protection policy that protects, like a  
17          data service?

18          THE WITNESS: We do have data  
19          information --

20          MR. HUNT: Could you give me a copy  
21          of that as it pertains to the scanning of  
22          the ID?

23          MS. FREEMAN: We do not have a copy of  
24          that available for tonight's hearing.

1 MS. HUNT: I didn't expect you would  
2 have it here, but can we get one in due  
3 course?

4 THE WITNESS: Yes. I can look into  
5 providing our information security policy.

6 MS. HUNT: Thank you very much.

7 MR. GILLESPIE: Along those lines, I  
8 was just in a store recently and had to  
9 present my driver's license.

10 They don't look at the front of it,  
11 they look at the back of it, and you said  
12 there's a tremendous amount of information  
13 that's on that when they scan it?

14 THE WITNESS: I said that we do not  
15 store any information that is read from the  
16 ID.

17 MR. GILLESPIE: Do you know what is  
18 on the ID?

19 THE WITNESS: I can only comment that  
20 we read the ID. Our readers are capable of  
21 deciphering the age and the date of birth  
22 of the person presenting that ID.

23 So our readers read that and decipher  
24 that the customer is X amount of age.

1 Nothing else is stored.

2 MR. GILLESPIE: But on your driver's  
3 license, it's already on the front side.

4 THE WITNESS: Pardon me?

5 MR. GILLESPIE: On your driver's  
6 license, that information is already on the  
7 front side.

8 THE WITNESS: That is correct, and  
9 that's a visual look.

10 MR. GILLESPIE: It doesn't calculate  
11 the age. It gives you the date of birth.  
12 But maybe it's easier for the person. They  
13 don't have to calculate how old you are.

14 Seeing it on the other side where  
15 you're scanning it, you're saying it  
16 automatically gives you the age.

17 THE WITNESS: Our scanner does, yes.  
18 So as a -- we've referenced the fact that  
19 we have a wine-expanded permit.

20 So the fact that we have a  
21 wine-expanded permit dictates that we are  
22 to utilize a transaction scan device  
23 capable of deciphering the age of the  
24 person purchasing the alcohol.

1           So based upon that requirement, we  
2           utilize that scan device, in addition to  
3           utilizing other visual methods.

4           It is our practice that an ID should  
5           be looked at in the front to ensure that  
6           the person standing in front of us matches  
7           the ID that is being presented in addition  
8           to looking at the age but ultimately  
9           scanning the back to mechanically calculate  
10          the age of the person.

11          MR. GILLESPIE: Okay. Can you bring  
12          groceries into the area and have the  
13          groceries -- can you check out your  
14          groceries as well as liquor?

15          THE WITNESS: Yes. The two registers  
16          that we have referenced here, they can,  
17          they are able to check out anything else  
18          within the unlicensed portion of the  
19          grocery store.

20          MR. GILLESPIE: Because when I go to  
21          the Acme, they have the same situation, and  
22          that register is always empty. The other  
23          registers are full.

24          So if you're not buying a lot of

1 groceries, like one bottle of wine or a  
2 six-pack of beer, you can go to the other  
3 one and get out of there rather quickly.

4 MR. DONAGHUE: John, thanks for the  
5 tip.

6 MR. GILLESPIE: You might think I  
7 drink a lot, but I don't.

8 The other question is, if I want to  
9 go into your store and I go through the  
10 vestibule, I don't want to go grocery  
11 shopping, I just want to buy a six-pack of  
12 beer, how do I get into that area?

13 I'm looking at this dashed line that  
14 says GP. Is that sort of like a sensor?  
15 What type of boundary is that?

16 THE WITNESS: So that dashed line,  
17 that is not a physical boundary. So the  
18 liquor code requires that we delineate the  
19 licensed area from the unlicensed area of  
20 the store. That is usually delineated in  
21 our stores.

22 And then you mentioned the Dilworth  
23 Crossing, it's delineated there by a  
24 permanent fixture that's at least four feet

1 high.

2 So you see the dot where it says BP?  
3 We call them bollard poles. They are poles  
4 that are four feet high, and it delineates  
5 the licensed area.

6 So to answer your question you had,  
7 you come into the store and you purchase  
8 alcohol for carryout.

9 You would come in through the  
10 vestibule here, turn left, and walk right  
11 into the licensed area here, make your  
12 selection, pay for it at the registers  
13 there, and walk out of there out through  
14 the vestibule unencumbered.

15 MR. GILLESPIE: What is a "beer  
16 flat"?

17 THE WITNESS: A beer flat is a map  
18 display. Think of a pallet with stacks of  
19 beer on it.

20 MR. GILLESPIE: So that would be at  
21 room temperature?

22 THE WITNESS: Yes.

23 MR. GILLESPIE: If you wanted  
24 something cold, you'd have to go back to

1 the other area where the coolers are.

2 THE WITNESS: That's right, along that  
3 exterior wall.

4 MR. GILLESPIE: Okay. And the  
5 shelving, that's basically for wine, all  
6 the shelving areas?

7 THE WITNESS: Yes. Typically in  
8 that store, that's primarily where we  
9 merchandise wine, and there might be a  
10 small selection of room temperature malt  
11 beverages and ready-to-drink cocktails.

12 MR. GILLESPIE: So how many Giant  
13 stores are you responsible for?

14 THE WITNESS: As counsel said, we  
15 have 145 alcohol licenses in the state of  
16 Pennsylvania, and we manage the alcohol  
17 compliance of all of those.

18 MR. GILLESPIE: Okay. What's the  
19 biggest problem that you have?

20 THE WITNESS: That's a loaded  
21 question.

22 MR. GILLESPIE: I know.

23 THE WITNESS: Our biggest challenge  
24 can be emphasizing that we card everyone.

1 MR. GILLESPIE: People get upset, like  
2 myself, 84 years old, why are you asking me  
3 for my age?

4 THE WITNESS: Exactly. Exactly. So  
5 as a responsible alcohol retailer, we keep  
6 it black and white, and we do follow the  
7 "we card everyone" policy.

8 Making sure all of our customers  
9 understand that is sometimes challenging,  
10 but it has kept us safe, and it's kept our  
11 reputation as a responsible alcohol  
12 retailer over the past several years, and  
13 we continue to follow that.

14 MR. GILLESPIE: How about theft?

15 THE WITNESS: Theft can be geographic.  
16 But, as I said, theft is at least minimized  
17 by the fact that our beer and wine  
18 departments are stacked where it makes it  
19 easier for us to notice that theft is  
20 occurring.

21 However, it goes without saying that  
22 it still occurs without us knowing it, and  
23 that's where we can fall back on other  
24 detective measures, such as closed-circuit

1 TV, to just be aware of trends that might  
2 be occurring within the areas and then put  
3 further emphasis on that.

4 But we take that very seriously,  
5 because that's money out of our pocket, to  
6 deter that as much as possible.

7 MR. GILLESPIE: So what happens if one  
8 of your employees sees some thievery? Do  
9 they contact the police? Do they just let  
10 them walk out the door?

11 Do you have it on camera, look for  
12 that person the next time they come in?  
13 What's the procedure for something like  
14 that?

15 THE WITNESS: Sure. That's a very  
16 good question. I would just answer it  
17 this way in a broad sense, is that we  
18 partner very closely with local law  
19 enforcement to identify trends that are  
20 occurring within each of our locations,  
21 again working with local law enforcement  
22 to curtail theft.

23 We work with liquor enforcement that  
24 sometimes comes into our locations to do

1 sting operations to try to catch underage  
2 patrons purchasing alcohol in our store  
3 using fake IDs.

4 So in the end, whatever is necessary,  
5 we partner with the law enforcement, is how  
6 we try to curtail that.

7 MS. DESHMUKH: Just as a follow-up  
8 question to what he asked.

9 If a theft occurs, it's a small item,  
10 not like a large thing that is hard to  
11 steal, and they've walked out of the store.

12 At that point, because it is such a  
13 small item, do you still reach out to law  
14 enforcement, or do you -- because it  
15 obviously makes a difference monetarily to  
16 the store, but it's a lot of work to call  
17 law enforcement.

18 How do you handle if it's a small  
19 item that's stolen and the person walks  
20 out?

21 THE WITNESS: Sure. Honestly, I  
22 cannot answer that question. That is more  
23 suited for after-protection, and personally  
24 that's not my wheelhouse.

1 I don't know the details behind that.  
2 I know enough to be able to say on record  
3 that we do involve law enforcement, but I  
4 can't answer to certain degrees of that.

5 MS. DESHMUKH: It would seem maybe we  
6 could take some actions on it, and the  
7 reason I'm asking is that one of the local  
8 stores, I happened to talk to somebody  
9 there, and they told me that they would  
10 write the gum off, the item, instead of  
11 once the person has already left the actual  
12 store itself and is in the parking lot.

13 They would just write it off instead  
14 of trying to call in the police, law  
15 enforcement. That's where my question is  
16 coming from.

17 So if you could at least find some  
18 information for us, we would definitely  
19 appreciate that.

20 THE WITNESS: Just so I can understand  
21 your question, I'll paraphrase it back to  
22 you.

23 You're asking if we involve law  
24 enforcement on every single theft that

1 occurs in our store here, regardless of if  
2 it's one item or X number of items?

3 MS. DESHMUKH: Yes.

4 THE WITNESS: Okay.

5 MS. DESHMUKH: It could be a number  
6 of items or price tag on it in terms of  
7 thinking about the safety in the township,  
8 because the last thing we want is, you  
9 know, gang members to know, hey, this store  
10 doesn't do much. That could become an  
11 attraction.

12 THE WITNESS: I understand.

13 MS. DESHMUKH: Thank you.

14 MR. DONAGHUE: Any more questions from  
15 council?

16 MR. GILLESPIE: I keep looking at  
17 Exhibit A-1, and I keep getting more  
18 questions.

19 The area for food, like the chicken  
20 cooler and the sushi and whatever, if I'm  
21 grocery shopping and I want to pick up  
22 some items in that particular area, I don't  
23 have to go through the register where the  
24 liquor is.

1 I can go through the register where  
2 the -- the regular registers in the store.

3 THE WITNESS: That is correct. Those  
4 food items can be paid for anywhere in the  
5 registers.

6 MR. GILLESPIE: Okay. I don't have  
7 any further questions.

8 Anyone else?

9 MR. DONAGHUE: I just have one, if I  
10 may. So you're in charge of 145 stores.

11 We can agree that both the alcohol,  
12 that alcohol consumption and food  
13 consumption in this area would be  
14 self-service?

15 THE WITNESS: Yes.

16 MR. DONAGHUE: No wait staff?

17 THE WITNESS: I'm sorry?

18 MR. DONAGHUE: No wait staff.

19 There's no waiters, waitresses, anything  
20 like that?

21 THE WITNESS: No.

22 MR. DONAGHUE: Okay. Can you just  
23 approximate for us on a storewide basis,  
24 what is the percentage of revenue for the

1 store just on a percentage basis with  
2 respect to the consumption of either  
3 alcohol or food in this area?

4 THE WITNESS: I cannot estimate that  
5 off the top of my head.

6 MR. DONAGHUE: You have no idea at  
7 all?

8 THE WITNESS: I cannot speculate off  
9 the top of my head.

10 MR. DONAGHUE: Would it be fair to say  
11 that the reason that food service is being  
12 provided is because this is a restaurant  
13 license and the Liquor Control Board  
14 mandates that there be food and alcohol if  
15 drinks are going to be available?

16 Do you know?

17 THE WITNESS: You're asking, does the  
18 liquor code require that food be made  
19 available during our operating hours?

20 MR. DONAGHUE: Well, what I'm asking  
21 you is, you have a restaurant license --

22 THE WITNESS: Yes.

23 MR. DONAGHUE: -- liquor license.

24 A restaurant liquor license, my

1           understanding, requires that food be  
2           offered, be made available if alcohol is  
3           being offered for sale and consumption  
4           within the restaurant.

5                   THE WITNESS: That is correct. And  
6           that is why, per the exhibit here, you see  
7           that the kitchen or the food is  
8           incorporated into the licensed area is  
9           because we are required to do so within the  
10          liquor, per the liquor code in that we are  
11          required to offer food available for sale  
12          on the licensed premises.

13                   MR. DONAGHUE: And this is not a trick  
14          question. But you would agree with me that  
15          Giant is more interested in selling  
16          product, being wine, beer, and mixed  
17          cocktails, to be bought and taken out of  
18          the store rather than operating as a  
19          restaurant.

20                   THE WITNESS: We utilize the liquor  
21          license as a means, that is our means of  
22          selling alcohol in the store.

23                   So, as you can see per the exhibit,  
24          the majority of this licensed area is

1 designed for merchandising of alcohol.

2 MR. DONAGHUE: That's what I thought.

3 Okay. Thank you.

4 Does anyone who is opposing this  
5 application who is a resident of Concord  
6 Township have any questions of the witness?

7 MR. VOIT: I do.

8 MR. DONAGHUE: Sure. Identify  
9 yourself for the record, and you might  
10 want to move up to that microphone right  
11 there.

12 - - -

13 EXAMINATION

14 - - -

15 MR. VOIT: My name is Kevin Voit. I  
16 live at 286 Willits Way, here in Concord  
17 Township.

18 A question about Exhibit A-1. The  
19 booth seating area has hashmarks, if you  
20 will, or X's.

21 Are those windows? There's no intent  
22 to actually -- there's no like doors for  
23 outdoor seating or anything proposed at  
24 this point; correct?

1 THE WITNESS: There is no outdoor  
2 seating, and the area that you referred to  
3 here in X's are actually the solid exterior  
4 walls.

5 MR. VOIT: Okay. Thank you. So there  
6 was a question about the percent of  
7 revenue.

8 I do have a question across the 145  
9 licenses or locations that have restaurant  
10 licenses.

11 Are you able to comment on the number  
12 of, say, monthly unique visitors just for  
13 alcohol sales versus unique visitors, store  
14 visitors or what-have-you that are there to  
15 purchase groceries?

16 Like what percentage are there just  
17 for alcohol purchases versus non-alcohol  
18 purchases?

19 THE WITNESS: I guess we classify  
20 that as sales-to-go versus our total store  
21 count. I do not have that information.

22 MR. VOIT: Okay. Are you aware of  
23 the, I guess we will call them density of  
24 liquor licenses currently provided to

1 restaurants and stores in Concord Township?

2 How many liquor licenses per 3,000  
3 residents?

4 THE WITNESS: I'll defer to counsel.  
5 I do not have an answer to that.

6 MS. FREEMAN: Yes.

7 MR. VOIT: What is the number that  
8 you have?

9 MS. FREEMAN: Concord Township  
10 currently has 24 restaurant liquor  
11 licenses.

12 MR. VOIT: Okay. So you're above  
13 any, the reason why you're here, or part of  
14 the reason is that that exceeds the liquor  
15 control board of one in 3,000.

16 Well, you have to obtain approval  
17 since it exceeds the one-per-3,000 ratio.

18 MS. FREEMAN: Yes. When a  
19 municipality goes over quota, that is, one  
20 in 3,000 residents of the municipality, a  
21 public hearing pursuant to Section  
22 461(b)(3) is required.

23 MR. VOIT: Okay. Thank you. Did I  
24 hear correctly that there would be about

1 three or four full-time staff dedicated to  
2 this particular operation here?

3 THE WITNESS: We have one full-time  
4 licensed manager that is registered with  
5 the liquor control board to operate this  
6 licensed area.

7 MR. VOIT: So just one. So there's  
8 no dedicated stock people. There's no  
9 dedicated cashier? There's --

10 THE WITNESS: We do utilize other  
11 people, part-time people in between that  
12 one full-time person. That would be more  
13 our thing.

14 MR. VOIT: Your what?

15 THE WITNESS: We use other people just  
16 to fill in. What that employee count would  
17 equate to, I don't know.

18 MR. VOIT: It would be fair to say no  
19 more than five people?

20 THE WITNESS: That's a fair number.

21 MR. VOIT: All right. That's all the  
22 questions that I have. I do have testimony  
23 I would like to provide.

24 MR. DONAGHUE: We'll get there.

1 MR. VOIT: Thank you.

2 MR. DONAGHUE: Those five people will  
3 be RAMP trained?

4 THE WITNESS: Yes.

5 MR. DONAGHUE: Anyone else in the  
6 audience have any questions of this  
7 witness?

8 - - -

9 JANE HUNT,  
10 having been first duly sworn, was examined and  
11 testified as follows:

12 - - -

13 MS. HUNT: Jane Hunt, J-A-N-E  
14 H-U-N-T.

15 I just have a question about the  
16 restaurant license. I assume this is not  
17 taking a license away from other  
18 restaurants.

19 What I don't see here is, I see how  
20 you're trying to do business within a very  
21 small space.

22 So I used to work in events, and  
23 looking at the size, is it 36 feet long by  
24 how wide?

1 I'm trying to work out what really  
2 will make it into a restaurant that adds  
3 value to our community.

4 THE WITNESS: It is 36 feet long. So  
5 what I can add is that the seating area  
6 that we have here, we are following the  
7 requirements per the liquor code, which  
8 says to operate as a restaurant, the  
9 seating area, as we said before, must have  
10 a minimum of 30 seats, and those seats are  
11 not classified as a chair, but it also is  
12 table space for each person of 15 by 18 --

13 MS. FREEMAN: By 12.

14 THE WITNESS: Eighteen by 12. An  
15 18-by-12-inch space is required for each  
16 person, so the size of the table meets this  
17 requirement.

18 MS. HUNT: So 36 feet by how wide? I  
19 don't have my glasses.

20 THE WITNESS: I don't have my glasses  
21 either.

22 MS. HUNT: So that would be 18 people  
23 side by side all the way along through that  
24 booth area.

1 I believe if you've brought that down  
2 to 32 inches, which is pretty tight.

3 But I would be interested to know how  
4 wide that is, because 36 by two feet is  
5 this much space (indicating).

6 So you've got 18 people the whole  
7 way along that side-by-side, shoulder-to-  
8 shoulder.

9 Can you fit -- how many people in  
10 width? Is it one person opposite? I'd be  
11 interested.

12 It's not really a restaurant. I  
13 understand you're following the code, but  
14 it's not really a restaurant there.

15 THE WITNESS: Each booth is designed  
16 to fit six people, so on each side, you  
17 would see them all side-by-side-by-side.

18 So at a minimum, 18, 18 inches times  
19 three, so it would be somewhere in the  
20 50s.

21 MS. HUNT: So the table, it would be  
22 great to see a plan. If this is supposed  
23 to be a restaurant, it would be great to  
24 see what the seating is.

1 I'm thinking about the places in the  
2 area that do have outdoor eating, that this  
3 is actually a genuine restaurant setting  
4 rather than just fits in the boxes and  
5 numbers, just for the good of us, the  
6 community.

7 Thank you.

8 MR. DONAGHUE: Anyone else?

9 - - -

10 (No response.)

11 - - -

12 MR. DONAGHUE: Let the record reflect  
13 there is none.

14 - - -

15 (Witness excused.)

16 - - -

17 MR. DONAGHUE: Mr. Voit, I believe  
18 you're opposing this application.

19 Do you have any evidence or testimony  
20 you would like to present in that regard?

21 MR. VOIT: Good evening. I do.  
22 Earlier today I circulated a letter via the  
23 township manager.

24 I would like to enter that into the

1 record as well as read it for  
2 consideration.

3 I'll hand out the letter, copies of  
4 the letter.

5 MR. DONAGHUE: I think that council  
6 has already been provided with the letter.

7 Now, the rules of evidence are not  
8 strictly enforced in this type of hearing,  
9 but there are some standards.

10 You can do what you feel appropriate,  
11 but I just want to give you maybe some  
12 guidance that substantial evidence is  
13 required, okay, in terms of with specific  
14 detail, as best you can.

15 - - -

16 KEVIN VOIT EVIDENCE

17 - - -

18 KEVIN VOIT,

19 having been first duly sworn, was examined and  
20 testified as follows:

21 - - -

22 DIRECT TESTIMONY

23 - - -

24 MR. VOIT: My name is Kevin Voit.

1 I've -- given the lack of other public  
2 comment, I do recognize that there is a  
3 three-minute time limit.

4 I respectfully request a little  
5 longer of a time limit.

6 MR. DONAGHUE: It's granted.

7 MR. VOIT: Thank you very much. So  
8 good evening.

9 Tonight I am here to respectfully  
10 request that Concord Township deny the  
11 proposed intermunicipal transfer of a  
12 restaurant liquor license requested by  
13 Giant Food and to urge council to do so in  
14 a manner consistent with the township's  
15 zoning framework, its prior findings  
16 regarding supermarket-based alcohol sales,  
17 and its authority to exercise local  
18 discretion where liquor licenses are  
19 already plentiful.

20 Giant has represented that it is  
21 constructing a new grocery store at The  
22 Shoppes at Concord and seeks township  
23 approval for an intermunicipal transfer of  
24 a restaurant liquor license pursuant to

1 Section 461(b)(3) of the Pennsylvania  
2 Liquor Code.

3 Giant has indicated that the purpose  
4 of the transfer is to permit the sale of  
5 beer, wine, and ready-to-drink alcoholic  
6 beverages, primarily for off-premises  
7 consumption.

8 Giant has further acknowledged that  
9 township approval by formal resolution is a  
10 necessary prerequisite in consideration of  
11 the transfer by the Pennsylvania Liquor  
12 Control Board.

13 Pursuant to Section 461(b)(3) of the  
14 Pennsylvania Liquor Code, it requires  
15 municipal approval prior to board  
16 consideration of an intermunicipal  
17 transfer.

18 In exercising that authority, the  
19 township must evaluate the proposed  
20 licensed premises as they will actually  
21 operate, including their finalized  
22 physical configuration, circulation  
23 patterns, ingress and egress, internal  
24 layout, service areas, and relationship to

1 the surrounding properties.

2 At present, final plans for the  
3 proposed Giant facility have not been  
4 received or approved by the township  
5 planning commission.

6 As a result, the operational  
7 characteristics of the licensed premises,  
8 including finalized site design, access  
9 configuration, parking layout, internal  
10 circulation, and the manner in which  
11 alcohol service will function within the  
12 building are not finalized.

13 Without approval and finalized plans,  
14 the township cannot meaningfully assess the  
15 licensed premises in their ultimate  
16 configuration or evaluate their impact on  
17 traffic, safety, zoning compliance, and  
18 community welfare.

19 Municipal approval at this stage  
20 would therefore rest on assumptions  
21 regarding future design elements and  
22 operational conditions that remain subject  
23 to change.

24 The township is not required to grant

1 approval based on incomplete or evolving  
2 site plans.

3 Where the record does not yet permit  
4 a non-speculative assessment of the  
5 licensed premises in their final approved  
6 form, denial constitutes a reasonable and  
7 evidence-based exercise of municipal  
8 discretion under the code and local agency  
9 law.

10 The proposed liquor license transfer  
11 is also premature in light of unresolved  
12 transportation, access, and operational  
13 safety issues associated with the  
14 development as a whole.

15 As documented in a written submission  
16 dated February 14, 2026, to the  
17 Pennsylvania Department of Transportation  
18 concerning the Highway Occupancy Permit for  
19 this development, significant operational  
20 and safety concerns remain unresolved.

21 That submission, which was copied to  
22 Concord Township, identified deficiencies  
23 and uncertainties in the proposed access  
24 configuration, traffic modeling

1 assumptions, and corridor impacts.

2 I've identified a few issues here.  
3 I'm not going to read all of them.

4 These issues remain under active  
5 review by PennDOT and have not been  
6 conclusively resolved or approved.

7 The HOP process directly affects the  
8 final geometry, access configuration, and  
9 operational characteristics of the  
10 development site.

11 The introduction of a restaurant  
12 liquor license, particularly one  
13 facilitating off-premises alcohol sales,  
14 is reasonably expected to increase  
15 short-duration vehicle trips, peak-hour  
16 parking turnover, and internal circulation  
17 activity.

18 Alcohol-related retail activity  
19 typically generates higher trip frequency  
20 and shorter dwell times than conventional  
21 grocery shopping, further intensifying  
22 ingress and egress activities.

23 Until final HOP approval is granted  
24 and access geometry is definitively

1 established, the township cannot  
2 meaningfully evaluate the full  
3 transportation and safety impacts  
4 associated with the proposed licensed  
5 premises.

6 Approval of a liquor license transfer  
7 under these circumstances would rest on  
8 unresolved access conditions and evolving  
9 traffic assumptions.

10 The township is not required to  
11 approve a license transfer where material  
12 aspects of site access and corridor  
13 integration remain unsettled.

14 Where transportation impacts remain  
15 subject to pending state review and  
16 potential modification, denial of the  
17 proposed transfer constitutes a reasonable  
18 and evidence-based exercise of municipal  
19 discretion.

20 The proposed site is located in the  
21 C-2 Planned Business and Commercial  
22 District.

23 While a supermarket is a permitted  
24 principal use, retail liquor sales are not

1 identified as a permitted accessory use.

2 Accessory uses must be customarily  
3 incidental and subordinate to the principal  
4 use.

5 Where alcohol sales function as a  
6 distinct revenue-generating operation and  
7 are oriented primarily toward off-premises  
8 consumption under a restaurant liquor  
9 license, they exceed what can be reasonably  
10 characterized as accessory and instead  
11 constitute a separate commercial use.

12 Approval would, therefore, authorize  
13 a use not expressly permitted as either a  
14 principal or accessory use in the C-2  
15 District.

16 Concord Township already exceeds the  
17 benchmark of one liquor license per 3,000  
18 residents.

19 Using 2020 census data and current  
20 population estimates, Concord Township has  
21 approximately 4.72 liquor licenses per  
22 3,000 residents.

23 Because Concord Township exceeds this  
24 statutory threshold, additional licenses

1 may enter the township only by  
2 intermunicipal transfer, and municipal  
3 approval functions as a deliberate  
4 gatekeeping mechanism under the  
5 Pennsylvania Liquor Code.

6 Beyond population-based ratios,  
7 Concord Township has already experienced a  
8 concentration of alcohol availability in  
9 practice, particularly through  
10 supermarket-based liquor operations.

11 Multiple supermarkets within the  
12 township currently operate under restaurant  
13 liquor licenses and sell alcohol to the  
14 public, including Acme, Whole Foods Market,  
15 Wegmans, and Wegmans Food Markets.

16 These establishments collectively  
17 function as de facto alcohol distribution  
18 points, significantly increasing alcohol  
19 availability beyond what population ratios  
20 alone capture.

21 Furthermore, both Whole Foods Market  
22 and Wegmans Food Market -- I'm going to  
23 withdraw this paragraph here.

24 Approval of an additional

1 intermunicipal transfer would further  
2 increase liquor license concentration  
3 within the township and compound existing  
4 conditions that the township council has  
5 previously determined do not serve a  
6 demonstrated public need.

7 In evaluating whether the proposed  
8 intermunicipal liquor license transfer  
9 would provide any meaningful benefit to  
10 Concord Township, it is appropriate to  
11 consider the incremental fiscal impacts  
12 associated with the proposal.

13 With respect to employment-related  
14 revenue, Concord Township's only  
15 payroll-based local tax is the local  
16 services tax.

17 The LST is a flat tax of up to \$52 per  
18 year per employee, regardless of wage  
19 level, hours worked, or position.

20 The tax is capped by statute and does  
21 not increase with higher compensation,  
22 expanded operations, or increased alcohol  
23 sales activity.

24 As a result, even under optimistic

1 assumptions regarding staffing levels, the  
2 maximum additional revenue to the township  
3 attributable to new employment is modest  
4 and fixed.

5 The LST does not meaningfully offset  
6 or correlate to the operational, land use,  
7 or public safety impacts associated with  
8 expanded alcohol availability.

9 The proposed liquor license transfer  
10 would also not result in an increase in  
11 real estate assessment or property tax  
12 revenue.

13 The underlying property will be based  
14 on its approved commercial use, and the  
15 addition of a restaurant liquor license or  
16 ancillary alcohol service does not increase  
17 the assessed value of the building or land  
18 for property tax purposes.

19 Moreover, Concord Township does not  
20 levy an earned income tax and does not  
21 receive a direct share of liquor sales  
22 revenue generated under a restaurant liquor  
23 license.

24 Taken together, the fiscal benefits to

1 the township associated with the proposed  
2 transfer are limited and fixed, while the  
3 zoning, operational, and cumulative impact  
4 considerations discussed elsewhere in this  
5 letter are structural and ongoing.

6 The absence of meaningful incremental  
7 municipal benefit further supports denial  
8 of the proposed transfer.

9 In Resolution Number 47-2023, township  
10 council denied a request by Wegmans Food  
11 Markets to expand supermarket liquor  
12 operations within the township.

13 In doing so, council identified  
14 several key considerations, including:

15 The absence of demonstrated public  
16 need for additional liquor availability  
17 within the township;

18 The revenue-driven nature of the  
19 proposal rather than a bona fide restaurant  
20 expansion;

21 The lack of a sufficient nexus to  
22 traditional restaurant use;

23 And the absence of a clear,  
24 articulated benefit to township residents.

1           Those findings were grounded in the  
2           township's evaluation of existing liquor  
3           concentration, cumulative impacts, and  
4           community welfare considerations.

5           Granting Giant's request would  
6           introduce an additional liquor license and  
7           new point of alcohol distribution within  
8           the township.

9           The operational characteristics of the  
10          proposed license, particularly the sale of  
11          alcohol for off-premises consumption within  
12          a supermarket setting, are materially  
13          similar to those previously evaluated by  
14          council.

15          Approval of the present transfer  
16          would, therefore, represent a departure  
17          from prior township determinations based on  
18          substantially similar facts and would  
19          further intensify the very conditions  
20          council previously found did not serve a  
21          demonstrated public need.

22          The township's consideration of this  
23          matter is supported by a complete and  
24          documented administrative record, including

1           unresolved site approval status,  
2           transportation submissions entered into  
3           the PennDOT HOP record, zoning-based  
4           evidence, the quantified liquor license  
5           saturation data, and the objective fiscal  
6           information demonstrating the absence of  
7           meaningful incremental municipal benefit.

8                        So to the extent an applicant may  
9           contend that the denial of this application  
10          may be inconsistent with previous  
11          determinations by a Pennsylvania court, I  
12          would like to draw attention, there is a  
13          court proceeding, Weis Markets versus  
14          Lancaster Township, that in this  
15          Commonwealth Court decision, the denial was  
16          reversed due to a lack of concrete  
17          evidentiary record, that the denial relied  
18          solely on the generalized concern of the  
19          township council.

20                      Obviously, here I believe the  
21          circumstances are materially different, and  
22          the record available to the township is not  
23          speculative and does not rest on  
24          unsupported opinion; rather, it reflects

1           documented, external, and unresolved  
2           conditions directly relevant to the  
3           proposed use.

4                       Accordingly, denial of the proposed  
5           intermunicipal transfer based on the record  
6           before the township would be supported by  
7           substantial evidence, rational, and  
8           consistent Pennsylvania law.

9                       For all of the reasons I set forth in  
10          this letter, I respectfully request that  
11          the township council deny the proposed  
12          transfer of the liquor license, and I  
13          believe it is within your authority to do  
14          so.

15                      Thank you very much.

16                      MR. DONAGHUE: Does council have any  
17          questions?

18                      MS. FREEMAN: I have just a couple.

19                                      - - -

20                                      CROSS EXAMINATION

21                                      - - -

22          BY MS. FREEMAN:

23                      Q.     How long have you lived within Concord  
24          Township?

1           A.     I have been a township resident for  
2 about 35 years.

3           Q.     Okay. And in your letter here, you  
4 reference a couple of the grocery stores that  
5 currently have a liquor license, Acme, Whole  
6 Foods, Wegmans Food Markets.

7                     Did you come to their public hearing  
8 and oppose the liquor license transfers to any of  
9 those grocery stores?

10          A.     I didn't go to the Weis one. I did  
11 not oppose that, no.

12          Q.     Okay. And for the 2023 --

13                     MR. DONAGHUE: Mr. Voit, you went to  
14 the Weis --

15                     THE WITNESS: Not Weis. The one that  
16 I referenced. I apologize.

17                     MR. DONAGHUE: Wegmans?

18                     THE WITNESS: Wegmans. Thank you.

19                     And that was not for a new license. That  
20 was for the expansion of liquor operations.

21 BY MS. FREEMAN:

22          Q.     So the one that you're referring to  
23 where it discusses Resolution 47-2023, you  
24 attended that council meeting, but you did not

1       except to it?

2             A.       That is correct.

3             Q.       Okay.  So for the others, have you  
4       ever objected to a liquor license transfer before  
5       Concord Township?

6             A.       I have not.

7             Q.       Okay.  So would you say that your  
8       concerns here are based generally on the  
9       development versus the liquor license?

10            A.       I would not provide that  
11       characterization, no.

12            Q.       Okay.  How would you characterize your  
13       objection to the liquor license?

14                    If you were to, if you were to -- a  
15       summation of this letter without referring to  
16       any of the developments, what is the objection  
17       to Giant's operation of a liquor license and  
18       what evidence do you have to support the  
19       objection?

20            A.       I object bringing an additional  
21       license into the township, whether it is by Giant  
22       or any other supermarket entity.  That is my  
23       objection.

24                    I believe Concord Township has

1 sufficient liquor licenses awarded to supermarket  
2 chains, and it does not serve the interests of  
3 Concord Township or its residents or its small  
4 businesses or other operators within the township  
5 to transfer another license that would  
6 potentially harm that other operation.

7 MS. FREEMAN: Okay. All right. I  
8 have no further questions. Thank you.

9 MR. DONAGHUE: Does anyone on township  
10 council have questions?

11 MR. GILLESPIE: No.

12 THE WITNESS: Thank you.

13 MR. DONAGHUE: Thank you.

14 - - -

15 (Witness excused.)

16 - - -

17 MR. DONAGHUE: Does anyone else have  
18 any questions or concerns they want to  
19 express?

20 - - -

21 (No response.)

22 - - -

23 MR. DONAGHUE: Is there any specific  
24 evidence that anyone has to offer that this

1 particular application poses a threat to  
2 the public health, safety, and welfare of  
3 the township residents?

4 - - -

5 (No response.)

6 - - -

7 MR. DONAGHUE: Let the record reflect  
8 there is no one in that regard.

9 We are going to admit into evidence  
10 all of the applicant's exhibits.

11 - - -

12 (Applicant's Exhibits A-1 through A-4  
13 received in evidence.)

14 MR. DONAGHUE: We will admit into  
15 evidence Mr. Voit's exhibit.

16 - - -

17 (Document marked Voit Exhibit 1  
18 for identification and received in  
19 evidence.)

20 - - -

21 MR. DONAGHUE: And unless someone  
22 else has something to say, Mr. Gillespie,  
23 I guess you should entertain a motion.

24 MR. GILLESPIE: I believe we've heard

1 the applicant's case, we've listened to the  
2 public, and council had an opportunity to  
3 ask questions.

4 So at this point, I would entertain a  
5 motion to close the hearing.

6 MS. RANKIN: So moved.

7 MR. GILLESPIE: Can I get a second?

8 MR. HUNT: Second.

9 MR. GILLESPIE: Any questions on the  
10 motion?

11 - - -

12 (No response.)

13 - - -

14 MR. GILLESPIE: All those in favor,  
15 please signify by saying aye.

16 - - -

17 (The Board unanimously responds aye.)

18 - - -

19 MR. DONAGHUE: Mr. Gillespie and  
20 council, if it's okay with you folks, I  
21 think we'll have the notes of testimony  
22 transcribed by the court reporter and the  
23 exhibits attached thereto and we'll prepare  
24 a decision for your review for the April

1 public meeting, which I believe is on  
2 April 7th.

3 MR. GILLESPIE: Correct.

4 MR. DONAGHUE: That's all. We're  
5 done.

6 MR. GILLESPIE: Thank you for coming  
7 out.

8 - - -

9 (Proceedings concluded at 8:47 p.m.)

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3                   CERTIFICATE OF REPORTER  
4  
5

6                   I, Norma Gerrity, a Professional Court  
7 Reporter, do hereby certify that the foregoing  
8 record is a true and accurate transcript of my  
9 stenographic notes in the above-captioned matter.

10  
11  
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13                   Norma Gerrity  
14                   Professional Court Reporter  
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