

TOWNSHIP OF PENN
York County, Pennsylvania

RESOLUTION NO. 897

A RESOLUTION OF THE TOWNSHIP OF PENN, COUNTY OF
YORK, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF LIQUOR LICENSE NO. R-
15064 INTO PENN TOWNSHIP FROM PARADISE TOWNSHIP,
YORK COUNTY, PENNSYLVANIA

WHEREAS, Act 141 of 2000 (“the Act”), as amended, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in Penn Township, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, YCS061921, LLC, a Pennsylvania limited liability company, affiliated with the Rutter’s Convenience Store chain has requested the Penn Township Board of Commissioners to approve a transfer of a Pennsylvania Liquor License #R-15064, LID 61164 currently held in safekeeping for Burrod Incorporated, which license was issued for premises at 8505 Orchard Road, Spring Grove, PA 17362, located in Paradise Township, York County, Pennsylvania; and

WHEREAS, YCS061921, LLC has requested the Penn Township Board of Commissioners to approve the transfer of the liquor license to the applicant’s premises located at 1009 York Street, Hanover, PA 17331, which is located in Penn Township, York County, Pennsylvania; and

WHEREAS, on September 19, 2016, the Board of Commissioners of Penn Township held a public hearing after due notice pursuant to Act 2000-141, as amended, 47 P.S. 4-461, for the purpose of receiving comments and recommendations of interested individuals concerning the proposed transfer; and

WHEREAS, at the conclusion of the public hearing, the Board of Commissioners found that the transfer would adversely affect the welfare, health, peace, and morals of the municipality or its residents because of lack of adequate security, lack of training for personnel, lack of segregated area for the sale and consumption of alcohol, lack of checkout discipline, safety concerns due to the store being adjacent to two major state roads, Routes 116 and 216, the ability of persons under the age of 18 to access the portions of the store where alcohol is being sold and

consumed, and lack of need of a license due to the proximity of an existing beer distributor, lack of experience and working knowledge of the sale of alcoholic beverages; and

WHEREAS, the applicant appealed the decision of the Board of Commissioners to the York County Court of Common Pleas and the Court, by Memorandum and Order dated September 7, 2017, reversed the decision of the Penn Township Board of Commissioners and remanded the matter "for entry of the appropriate resolution within forty-five (45) days from the date of this order."; and

WHEREAS, the Board of Commissioners is under Court Order to approve the applicant's request for a transfer of the liquor license.

NOW, THEREFORE, it is hereby resolved that the Penn Township Board of Commissioners hereby complies with the Order of the York County Court of Common Pleas, by the Honorable Andrea Marceca Strong, Judge, dated September 6, 2017, and hereby approves the transfer of Pennsylvania Liquor License #R-15064 from Paradise Township, York County, Pennsylvania to Penn Township, York County, Pennsylvania for use at the premises known and numbered 1009 York Street, Hanover, PA 17331.

RESOLVED AND ENACTED this 16th day of October, 2017.

Board of Commissioners of Penn Township

By: Phillip W. Heilman
Phillip W. Heilman, President

ATTEST:

Angela M. Hallett
Angela M. Hallett, Township Secretary