

The Board of License Commissioners of Cecil County met in a regular session at the County Administrative Building, Conference Room, 200 Chesapeake Boulevard, Elk Room, Elkton, MD on Wednesday, December 8, 2021 at 9:15 A.M.

PRESENT: Stephen Miller, Chairman
Kristen Ortt, Commissioner
Bernard Chiominto, Commissioner (appeared virtually)
Lawrence Scott, Board Attorney
Rebekah Corle, Paralegal to County Attorney
Holly Ayers, Risk Manager/Legal Tech
Earl Bradford, Chief Alcoholic Beverage Inspector
Robin S. Trader, Administrative Assistant

QUESTIONS/CONCERNS

Michael Durrell

Michael Durrell appeared before the Board; he introduced himself stating he and his mother owned the Archway Inn in Earleville. He explained his own health issues, as well as his mom's health issues as relating to the Archway Inn license. He explained that he filed an appeal, and the license was expired, and they were left with no license. He tried to sell the business and the building isn't worth anything without the liquor license. Chairman Miller then explained that Mr. Durrell came before the Board and asked the Board to issue the license so he could sell the business at auction; the Board, with the blessing from the State of Maryland Comptroller's Office, issued the license temporarily for the auction. Chief Bradford stated on 5/1/2018 the business was closed due to a tax issue and the license was not issued though it was renewed; 3/27/2019, Mr. Durrell asked the Board to issue the license for 10 days so he could hold the auction and the Board issued the license for that purpose; another licensee filed an appeal based upon that decision of the Board and in October 2019, the Circuit Court of Cecil County expired that license. Mr. Scott stated there is no one here who does not emphasize with you, this case predates me; the Board has the rules and statutory regulations that they must abide by and with reasonable requests they are able to grant extensions based on individual needs of each licensee, however, they must take into consideration surrounding licensees and act reasonably when deciding these matters. This Board is entrusted to oversee liquor licenses and it is not automatic to grant extensions; this Board did everything within

reason including sending warning prior to losing the license. Chairman Miller stated he has been a member of this Board for five years; this Board has treated every business fairly, the Board feels very sorry for his family conditions, but there are rules they must follow and there is nothing more they can do. Chairman Miller stated, "Thank you very much for coming in, I hope we did answer your questions"; Mr. Durrell replied, "as best as you could, yes, Sir, thank you very much, you have a good day"

UPDATE/REQUEST FOR EXTENSION

Class "B" BWL No. B-179 - David A. Carey, Member; Charles Harry Craven, Jr., Member; 31 River LLC, T/A **Tiki Lee's**, 31 River Road, Perryville, MD 21903

David Carey, along with attorney, David Mister were duly sworn by the Clerk. Mr. Mister stated they are diligently moving forward with the building plans; Mr. Carey ran into some issues during Covid, because banks were not lending money, however, they have met with Matt Roath, the mayor of Perryville, as well as Steve O'Connor with Cecil County Office of Land Use and Development; they have hired a civil engineer and despite Covid hitting they are proactively moving forward with their plans. Mr. Carey stated he has spent over \$600,000 replacing piers; they have modified the plans slightly but have submitted full plans with their application for the building permit. He stated he would have been open during Covid, but the banks were not lending money; he stated he has over a quarter of a million dollars into the project and they have done a tremendous amount of work in the past six months. He stated as soon as he gets the go ahead, he will get everyone he can on the building of the restaurant; his plan is to be open by Memorial Day. Mr. Scott asked if he was properly funded now? Mr. Carey stated yes. Commissioner Ortt asked what modifications they have made to the plans? Mr. Carey stated they have added a second-floor office, more bathrooms and angled the building. Mr. Scott stated the Board has been very generous with extensions and Mr. Carey stated again that because of Covid no one wanted to invest in businesses. Mrs. Trader stated the license fees have been paid and the license has been renewed and fees paid each year since the approval. Commissioner Chiominto asked if the modifications to the plans increased or decreased the occupancy? Mr. Carey stated no. Commissioner Miller asked how many boat slips they would have? Mr. Carey stated there will be 100 boat slips; they are hoping to make this a boating destination and they will use every bit of manpower to move ahead and be open by Memorial Day. There was

a discussion as to the length of the extension. Chairman Miller asked if there was anyone present who was for or against the extension; with hearing none, he called for a motion. Commissioner Chiominto made a motion to grant the extension through August 1, 2022 with the renewal of the license to David A. Carey, Member; 31 River LLC, T/A **Tiki Lee's**, 31 River Road, Perryville, MD 21903; Commissioner Ortt seconded that motion and the Board unanimously voted to approve the extension through August 1, 2022 with the renewal of the license to David A. Carey, Member; 31 River LLC, T/A **Tiki Lee's**, 31 River Road, Perryville, MD 21903

Class "B" BWL No. B-15 - Matthew Price Trainer, EMK Investments, LLC, 2360 Pulaski Highway, North East, MD 21901 – (Madison House) -
POSTPONED

Change in Mode of Operation

Class "A" BWL No A-41 Manish Jayendrakumar Patel, Shri Sai Baba VML Corporation, T/A **Triangle Liquors**, 1616 Conowingo Road, Rising Sun MD 21911 - 365 Day Tasting

Manish Jayendrakumar Patel appeared before the Board; he was duly sworn by the Clerk. Mr. Patel stated the building was built in the 1940's, he would like to expand the building and then make modifications to the existing building. He explained there is only one way to expand and that is toward his house. Commissioner Chiominto asked if all plans have been submitted; Mr. Patel stated the site plan has been approved, he is waiting on the building permit. Mr. Patel stated the current building is 2,572 ft², the new building would be 2,360 ft²; they will work on the new building and when that is complete, they will move the alcohol and make the modifications to the current building. Chairman Miller asked if he will be keeping the bait shop open? Mr. Patel stated yes, the bait shop will remain open. Chairman Miller asked if there was anyone to speak for or against this change of mode of operation, hearing none, he called for a motion. Commissioner Ortt stated "I move to approve the change in mode of operation with the approval of the building permit as requested by Manish Jayendrakumar Patel, Shri Sai Baba VML Corporation, T/A **Triangle Liquors**, 1616 Conowingo Road, Rising Sun MD 21911; Commissioner Chiominto seconded that motion and the Board unanimously approved the change in mode of operation with the approval of the building permit as requested by Manish Jayendrakumar Patel, Shri Sai Baba VML

Corporation, T/A **Triangle Liquors**, 1616 Conowingo Road, Rising Sun MD 21911.

APPLICATIONS

NEW LICENSE

Application received from Robert Palsgrove, Member; Richard Biddle, Member; Willow & Oak Catering Co. LLC, T/A **Willow & Oak Catering Co**, 1316 Singerly Road, Elkton, MD 21921 for a new Class "B" Beer, Wine & Liquor Alcoholic Beverage License

Robert Palsgrove and Richard Biddle appeared before the Board with attorney, David Mister; the applicants were duly sworn by the Clerk. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 3. Mr. Lawrence asked if the information in the application as submitted had changed since submitting; the applicants stated no. Mr. Biddle stated the property is known as Rosewood Farms; they have a tasting room with the winery. They bought the property in 2017 and held their first wedding in 2018. He is in business with his daughter and son, they have invested three million dollars; it is a destination venue, and they are open 12 noon until 10 PM; they work with four preferred caterers. He stated they have six persons TIPS trained. Mr. Scott asked if the four preferred caterers would continue; Mr. Mister stated they would continue in that way; he stated that the staff would be responsible for serving the alcohol. Chairman Miller asked if they have an approved kitchen; the applicants replied yes. Chief Bradford stated that if all of the buildings were covered under the licensed premises no one would be allowed to bring in outside alcohol. Mr. Mister stated there are three counties have a specific license for this type of venue. Chairman Miller asked if there was anyone to speak for or against this application; hearing none, he asked for a motion at which time Commissioner Chiominto made a motion to go into Executive Session to discuss some things with Mr. Scott; Commissioner Ortt seconded that motion. After returning from Executive Session, Mr. Scott stated that they recognize that a Class B license is not set up for the type of business that you described. A restaurant license is required to be open 30 continuous days a year; to cater off premises you must have a Class B license and be open 30 continuous days in a year. Mr. Mister asked for the Board not to vote on this today; they would like to look at their business plan, possibly by moving to providing food to meet the 30 continuous days; have legislation created for this; possibly set up to file for the Comptroller's regional license. Mr. Scott stated he and Chief Bradford are willing to work with them. At

this time Commissioner Ortt made a motion to revisit this application at a later date; Commissioner Chiominto seconded that motion and the Board unanimously approved to revisit this application at a later date.

Application received from Jose Pedro Camargo, Member; Adan Diaz Escalante, Member; Martha Alice Camargo, Member; Alberto Vazquez, Member; Camargo, LLC, 989 E. Pulaski Highway, Elkton, Maryland 21921 for a new Class "B" Beer, Wine & Liquor Alcoholic Beverage License

Jose Pedro Camargo, Adan Diaz Escalante, Martha Alice Camargo, Member and Alberto Vazquez appeared before the Board with attorney Will Riddle. The applicants were duly sworn by the Clerk. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 3. Mr. Lawrence asked if the information in the application as submitted had changed since submitting; the applicants stated no. Mr. Riddle explained this business was purchased from Los Parientes; they believed they were purchasing the license and the office staff advised there was no license there because it was not renewed, so the original application was changed from a transfer to a new license. Mr. Riddle stated they have renovated and updated the restaurant, but it will be the same type of business. Chairman Miller asked if there was anyone to speak for or against this change of mode of operation, hearing none, he called for a motion. Commissioner Chiominto moved to approve to grant the license to Jose Pedro Camargo, Member; Adan Diaz Escalante, Member; Martha Alice Camargo, Member; Alberto Vazquez, Member; Camargo, LLC, 989 E. Pulaski Highway, Elkton, Maryland 21921; Commissioner Ortt seconded that motion and the Board unanimously approved to grant the license to Jose Pedro Camargo, Member; Adan Diaz Escalante, Member; Martha Alice Camargo, Member; Alberto Vazquez, Member; Camargo, LLC, 989 E. Pulaski Highway, Elkton, Maryland 21921.

TRANSFER

Application received from Elizabeth J. Weaver, Plum Creek Market LLC, 79 Plum Creek Road, North East, MD 21901 for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverage License No. A-6 The Estate of Alan Weaver, Fay Weaver, Trustee, Freda Tuono, Plum Creek Enterprises, T/A Plum Creek Market, 79 Plum Creek Road, North East, MD 21901

Elizabeth Weaver appeared before the Board; the applicant was duly sworn by the Clerk. The fully executed application packet with proper fees included:

signatures of 10 registered voters and property owners in District 5. Mr. Lawrence asked if the information in the application as submitted had changed since submitting; the applicant stated no. Elizabeth Weaver stated she is in the process of buying the building and business which includes the liquor license. Chairman Miller asked if she will be keeping the deli; Ms. Weaver stated she is taking nothing away. Mrs. Trader stated they did complete a lease management agreement that needs to be voted upon. Chairman Miller asked if they have gone to settlement and Ms. Weaver stated that will occur on 1/3/22. Chairman Miller asked if there was anyone to speak for or against this change of mode of operation, hearing none, he called for a motion. Commissioner Ortt made a motion to approve the transfer of the license to Elizabeth J. Weaver, Plum Creek Market LLC, 79 Plum Creek Road, North East, MD 21901 pending settlement occurring; Commissioner Chiominto seconded that motion and the Board unanimously approved to approve the transfer of the license to Elizabeth J. Weaver, Plum Creek Market LLC, 79 Plum Creek Road, North East, MD 21901 pending settlement occurring. Commissioner Ortt then made a motion to approve the lease management agreement; Commissioner Chiominto seconded the motion to approve the lease management agreement and the Board unanimously approved the lease management agreement.

Questions/Public Comment

General Business

- **Approve Minutes**
Commission Ortt made a motion to approve the minutes from the September 29, 2021 meeting; Commissioner Chiominto seconded that motion, and the Board unanimously approved the minutes from the September 29, 2021 meeting.
- **Specials**

Old Business

- **Tobacco Policy**
Mr. Scott stated the County Executive has given her approval – move forward to go before the Council
- **Rules & Regulations**
Working on updates
- **Hill Culinary**
They have relinquished license and did not pay fine

New Business

At 10:52 AM - Commissioner Chiominto made a motion to adjourn the meeting; Chairman Miller seconded that motion and the Board unanimously approved to adjourn the meeting.

BY:

Stephen Miller, Chairman

ATTEST:

Robin S. Trader, Administrative Assistant