

1 CECIL COUNTY BOARD OF * AUGUST 31, 2022

2 LICENSE COMMISSIONERS * MEETING

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5 BOARD OF LICENSE COMMISSIONERS MEETING

6
7 BEFORE:

8 STEPHEN MILLER, CHAIRMAN

9 KRISTEN ORTT, COMMISSIONER

10 BERNARD CHIOMINTO, COMMISSIONER

11 LAWRENCE SCOTT, BOARD ATTORNEY

12 EARL BRADFORD, CHIEF ALCOHOLIC BEVERAGE INSPECTOR

13 TAMMY PERKINS, RISK MANAGER/LEGAL TECH

14 ROBIN S. TRADER, ADMINISTRATIVE ASSISTANT

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25 Kelly S. Mullins, Electronic Court Transcriber

1 AUGUST 31, 2022

2 CHAIRMAN MILLER: Good morning. I now call
3 the meeting to order for the Cecil County Board of
4 License Commissioners this Wednesday, August 31, 2022. I
5 would like anybody that is going to speak today for or
6 against anything to stand up and be sworn in, please.

7 **SPEAKERS DULY SWORN IN BY ROBIN TRADER**

8 CHAIRMAN MILLER: Thank you, you may be
9 seated. Our first order of business is "Meet the
10 Manager" Class B BWL #B138 Benjamin App LeRoy, Member;
11 BAL Management Company, LLC, Licensee Jose Garcia
12 Martinez and Diego Cornett, Casa Mezcal, LLC trading
13 T/A Casa Mezcal 1005 Elk Mills Road, Elkton, Maryland
14 21921. Go ahead, Sir.

15 MR. LEROY: Just I think here for a meet and
16 greet. I am Ben LeRoy, so I'm the owner/landlord of
17 Appleton Plaza, have been there for thirty years.
18 We've got a new restaurant group and I'd like to
19 introduce you to them. They're my new lease managers
20 Chris and Diego Cornell from the Casa Mezcal Group,
21 experienced restauranteurs and I don't know what you
22 would like to hear from me. We've got the lease
23 agreement all in order and, you guys are a month away
24 from opening, maybe? They're still working on their
25 fit out. Do you want to hear some of their experience?

1 They went through the training yesterday with Linda
2 Meffley at Buck's. So, they took their crew through
3 that.

4 CHAIRMAN MILLER: Okay.

5 MR. LEROY: So, we're hoping a month from now
6 we'll have a new beautiful Mexican restaurant at
7 Appleton Plaza.

8 CHAIRMAN MILLER: We're just happy to meet
9 them and thank you for coming in and good luck in your
10 business.

11 CORNELLS: Thank you very much, thank you.
12 Really appreciate it.

13 CHAIRMAN MILLER: Thank you. And next case is
14 an update/extension request. Class BWL B-15 Matthew
15 Price Trainer, EMK Investments, LLC, 2360 Pulaski
16 Highway, North East, Maryland 21901.

17 MATTHEW TRAINER: Good morning.

18 CHAIRMAN MILLER: Good morning.

19 MATTHEW TRAINER: So, I'm here to request an
20 extension of the liquor license that's kind of been in
21 limbo for the last couple years due to Covid and an
22 empty building. We do currently have a contract on the
23 building with the Dosimetry Group, LLC. They're
24 looking to open the place as a restaurant. I'm
25 requesting a three month extension right now for them

1 to start the process of getting the liquor license
2 transferred into their name. They have hired Dwight
3 Thomey as their attorney to assist with that. Our plan
4 is to - - well, my plan is to be part of their LLC,
5 probably over the next year while they get the place
6 opened up and get their liquor license transferred and
7 all that done. We cannot go to settlement until the
8 license is transferred into their name. So, that's
9 where we stand.

10 CHAIRMAN MILLER: Do we have any kind of
11 contract?

12 MATTHEW TRAINER: We do. I don't have it
13 with me. I can certainly, you know, get it to you
14 guys, you know, it's not a problem. So, we have the
15 due diligence period has passed. We're past all the
16 things that would stop the thing from moving forward
17 other than the liquor license at this time.

18 CHAIRMAN MILLER: Mr. Thomey?

19 DWIGHT THOMEY: Good morning, Chairman Miller
20 and members of the Board. Yes, I've been retained by
21 the group that's going to redo the restaurant, open up
22 a new restaurant. They are experienced restaurant
23 people. I was very impressed in my meeting with them
24 that they certainly understood the scope of what
25 they're trying to do. The real challenge, I happened

1 to have done an arbitration hearing with regard to that
2 particular building when the horse racing people left,
3 the Bombas, the building was left in abominable shape.
4 We had a week long hearing and we were able to get the
5 judge, at the end of that hearing, to order some
6 improvements but there's some basic structural issues
7 here. I'm not sure just how much they're going to have
8 to do but when I talked to my people they said it would
9 probably be at least a year before they could get that
10 building in a position where they could reopen it. You
11 know, there's certainly the possibility they may just
12 have to tear it down and build a new building. They're
13 very interested in the site, very excited about the
14 site but obviously they don't want to spend a small
15 fortune rehabing the building without being able - -
16 knowing whether they can have a liquor license
17 available when they can get the building open. So, I
18 told them I would come this morning with Matt and just
19 mention to you their concerns and their situation and
20 sort of ask you what you would want to see by way of
21 documentation, etc. and perhaps maybe if you need sort
22 of - - we could meet - - come in every so often and
23 give you up to dates as to progress there being made
24 but they were just concerned that they wanted to know
25 that that liquor license would be there at the end of

1 the road after they've done all this rehabilitation of
2 the building, cause the building is not in any
3 condition now where they could open up the building any
4 time soon. County Attorney Scott?

5 ATTORNEY SCOTT: I was just going to ask - -

6 DWIGHT THOMEY: I always drop these problems
7 - -

8 ATTORNEY SCOTT: Nice to see you Mr. Thomey.
9 I had a question to Earl, when and what prohibits them
10 from actually transferring the license? Like when
11 would they come in to make the transfer? Would they
12 have to wait til they owned it?

13 CHIEF BRADFORD: We would make it conditioned
14 upon settlement occurring, so they would come in next
15 month if we had a completed - - well, next month would
16 be a rush but if we receive an application by the first
17 of the month , we could hear it at the end of that
18 month and we can make it conditioned upon settlement
19 occurring - -

20 ATTORNEY SCOTT: So theoretically it could
21 have even happened today, at today's meeting, if they
22 were prepped to do so?

23 CHIEF BRADFORD: Uh huh.

24 ATTORNEY SCOTT: Okay, I'll defer to the
25 board but how many years has this been - - this

1 restaurant not been open?

2 CHIEF BRADFORD: The transfer was approved
3 8/29/2019.

4 ATTORNEY SCOTT: Okay.

5 CHAIRMAN MILLER: Mr. Bradford, how long has
6 the liquor license existed at that location?

7 CHIEF BRADFORD: There's been a license at
8 that location, I would say, since 1960 or maybe a few
9 years before that but our records do go back to 1960
10 and there was a license there at that time.

11 CHAIRMAN MILLER: One other question, in your
12 opinion, which I value highly, if that license were not
13 extended and they had to reapply for a new license,
14 what do you think their odds are in that area?

15 CHIEF BRADFORD: Probably less than fifty
16 percent that it would be approved due to it's location.

17 CHAIRMAN MILLER: Thank you.

18 CHIEF BRADFORD: Uh huh.

19 DWIGHT THOMEY: That's our problem.

20 CHAIRMAN MILLER: We understand. Mr. Thomey,
21 is there any chance you could come forth with a
22 contract and be ready to transfer next month?

23 DWIGHT THOMEY: I don't know about next
24 month, maybe by October. I mean - -

25 CHAIRMAN MILLER: End of October.

1 DWIGHT THOMEY: Have an application in by
2 early October so we could be at the meeting at the end
3 of October I would think - -

4 CHAIRMAN MILLER: To transfer?

5 DWIGHT THOMEY: To transfer the license
6 assuming - -

7 MATTHEW TRAINER: I can provide a contract
8 immediately.

9 CHAIRMAN MILLER: Okay.

10 ATTORNEY SCOTT: I mean based on what you've
11 testified it sounded to me like the only thing left
12 holding things up is the liquor license.

13 MATTHEW TRAINER: That's correct, that's the
14 only - -

15 ATTORNEY SCOTT: And so, if that's the only
16 thing holding things up then, from where I sit, it
17 would be obvious to transfer that as soon as possible.
18 So, just having an extension may buy you some time if
19 it were to be granted, I can't speak for the board.

20 MATTHEW TRAINER; Correct, the extension would
21 give us the time to start the transfer process.

22 ATTORNEY SCOTT: Right so - -

23 MATTHEW TRAINER: The problem is the gray area
24 is settlement, they won't settle unless they know that
25 the license will transfer.

1 ATTORNEY SCOTT: And we can do a transfer
2 based on that - -

3 MATTHEW TRAINER: Prior to that.

4 ATTORNEY SCOTT: - - Um, you know, on the
5 condition that settlement occurs.

6 MATTHEW TRAINER: Correct, I understand.

7 ATTORNEY SCOTT: And so I would, you know, I
8 think we're encouraging you to do that in due haste,
9 you know quickly.

10 DWIGHT THOMEY: Yeah, my concern is, and
11 again, when we come in for the transfer we could talk
12 about this some more it's not like they're going to be
13 open if we do the transfer in a couple months they're
14 going to be open. It's going to be an extended period
15 of time from the time of the transfer to when they
16 open.

17 MATTHEW TRAINER: We want the board to be
18 aware of that.

19 ATTORNEY SCOTT: Yeah, I very much appreciate
20 the coming forward with that information, however, with
21 three years and not a lot happening to actually have on
22 the record something happening would be very helpful.

23 MATTHEW TRAINER: Okay.

24 DWIGHT THOMEY: That's great.

25 CHIEF BRADFORD: At our September meeting we

1 would need to have a completed application by the end
2 of the day Friday which would be extremely difficult.

3 DWIGHT THOMEY: Yeah, I see.

4 CHAIRMAN MILLER: Do you think you could do
5 October?

6 DWIGHT THOMEY: So October, yeah, if we could
7 do October we'd have enough time.

8 CHAIRMAN MILLER: And get us a copy of the
9 contract before that.

10 DWIGHT THOMEY: Yeah, Matt could get you a
11 copy of the contract.

12 MATTHEW TRAINER: That's not a problem.

13 DWIGHT THOMEY: Okay.

14 ROBIN TRADER: And in the past what happens
15 is once we get the transfer application and that's
16 approved his extension time starts over, so.

17 DWIGHT THOMEY: Thank you Robin for that
18 update. That's a plan.

19 ATTORNEY SCOTT: I'll defer to the board,
20 speak to Mr. Miller.

21 CHAIRMAN MILLER: Is this the new owner?

22 DWIGHT THOMEY: No, he's just an assistant in
23 my office.

24 CHAIRMAN MILLER: Okay, good enough.

25 DWIGHT THOMEY: Trying to learn how things

1 happen.

2 ATTORNEY SCOTT: I hope he's got a couple
3 years.

4 DWIGHT THOMEY: He does.

5 CHAIRMAN MILLER: I'll entertain a motion.

6 COMMISSIONER CHIOMINTO: I make a motion we
7 grant the request. Can we go til November 1st? Give
8 it a three month extension? To Class B BWL No. B-15
9 Matthew Price Trainer EMK Investments, LLC, 2360
10 Pulaski Highway, North East, Maryland 21901.

11 CHAIRMAN MILLER: Do I have a second?

12 COMMISSIONER ORTT: Second.

13 CHAIRMAN MILLER: All in favor say Aye.

14 BOARD: Aye.

15 CHAIRMAN MILLER: Good luck gentlemen.

16 DWIGHT THOMEY: Thank you very much for your
17 patience.

18 CHAIRMAN MILLER: Provide that contract and
19 let's get this thing going.

20 DWIGHT THOMEY: Okay.

21 CHAIRMAN MILLER: Next case is Class "B" BWL
22 No. B-179 David A. Carey, Member; Charles Harry Craven,
23 Jr., Member; 31 River LLC T/A Tiki Lee's, 31 River
24 Road, Perryville, MD. Mr. Scott, would you like to
25 start?

1 ATTORNEY SCOTT: I would be happy to. Has
2 there been anything in your application for extension
3 that has changed since you submitted it?

4 MR. MISTER: Chairman Miller, Mr. Scott,
5 David F. Mister; Mister, Winter, Bartlett, LLC,
6 representing David Carey who's the sole current
7 licensee with Mr. Carey to my immediate left, to the
8 Board's right and then to the far left is John Vontran,
9 Corporate Designee. We had pre-filed with the Board a
10 sort of outline of progress/status report as well as a
11 letter from the Mayor of Perryville again approving
12 this proposed project. This has been a long time
13 coming and as we indicated in the progress report we've
14 been doing a lot of work as recently as July 29 all the
15 building plans have been fully submitted. They've
16 actually been prepared for probably six months or more
17 and if I may I'd like to have Mr. Vontran, who has been
18 sworn in, to give you sort of some testimony of the
19 status, or do you want to do it Mr. Carey? All right,
20 David Carey.

21 DAVID CAREY: Thank you for having us today.
22 Since the last time we met the - - starting in January
23 we submitted - - in the process you have to get the -
24 - all the critical area commissions and the storm water
25 management all has to be approved prior to being

1 allowed to submit your building plans. We've had the
2 fully stamped signed building plans for probably eight
3 months now. It seems that, and John Vontron can give
4 you more information on that, we're in the final stages
5 of days. It's my understanding that storm water
6 management everything has gone through multiple levels
7 of approval and it's in it's final approval where they,
8 I believe we've received the last comment and then it
9 goes for wet signature, which is happening as we speak
10 and the plans have been submitted, the building permit
11 plans, full structural plans, everything is submitted
12 and we'll move forward, I believe after this last final
13 comment has been reviewed. The last comment has been
14 answered. Like Mr. Mister said, it's been a long time,
15 a ton of money has been spent and I'm hoping to have a
16 building permit here in the next - - again, I don't
17 want to overstep my boundary and speak, sixty days,
18 however long it takes for the review process.

19 CHAIRMAN MILLER: Mr. Carey, before we go any
20 further I want to ask you, what happened to Charles
21 Harry Craven?

22 MR. MISTER: May I address that, Mr.
23 Chairman? When we renewed this license we asked that
24 Mr. Craven's name be removed from it because
25 preliminarily when this application was submitted,

1 before the LLC was even fully formed and before an
2 operating agreement was prepared, it was contemplated
3 that Mr. Craven was going to be a member, however, when
4 they actually went through the organizational process
5 Mr. Craven did not invest, did not become a member, has
6 never been issued a membership interest and as I
7 understand Maryland Law, having practiced (inaudible)
8 law since the mid eighties, he must have approvable
9 financial interest to be allowed to be a licensee and
10 since he no longer was going to have that and never did
11 receive that we felt it was inappropriate to perpetuate
12 him as a licensee. He is not a member of this LLC and
13 will not be participating in this project going
14 forward.

15 ATTORNEY SCOTT: So, is that something that
16 you can do sua sponte without his permission or
17 knowledge?

18 MR. MISTER: Well, they certainly have
19 knowledge of it and his counsel does but, you know, as
20 a practical matter he has no rights.

21 ATTORNEY SCOTT: It puts us in a tough
22 position.

23 MR. MISTER: I understand.

24 ATTORNEY SCOTT: We're not here to adjudicate
25 whether or not he should or should not be on it but as

1 far as we know he was - - the existing license had him
2 on it.

3 MR. MISTER: Right, I understand it was
4 applied for that way. I've talked to their corporate
5 counsel, his name is Kevin Pasquale, and discussed the
6 organization of that with him, of course gave him my
7 opinion that Mr. Craven was not eligible to hold the
8 license.

9 ATTORNEY SCOTT: Again, we're not in the
10 position to adjudicate - -

11 CHAIRMAN MILLER: This whole thing was
12 approved on both of them.

13 MR. MISTER: Right, I understand that.

14 ATTORNEY SCOTT: And so, that puts us in a
15 very awkward position. You're asking us to go forward
16 with him off of it without any request from himself to
17 be removed or notification that the original LLC is
18 defunct and has been eliminated and we're starting from
19 scratch.

20 MR. MISTER: Just unfortunately it was not
21 fully formed at the time. I was not counsel who
22 submitted the original application - -

23 ATTORNEY SCOTT: Sure.

24 MR. MISTER: - - as I think the Board probably
25 knows and I've worked with Mr. Pasquale on this. What

1 I would ask the Board to do is let's not probably
2 arbitrate that issue right now. We'll provide the
3 Board whatever appropriate evidence you're going to
4 need, if it requires a Circuit Court order from the
5 Circuit Court for Cecil County we'll get that before we
6 would expect this license actually be physically issued
7 for the premises, which has yet to be built. So- -

8 ATTORNEY SCOTT: I think we're going to have
9 to need something so that we're not the adjudicator
10 terminating - - again and I'm not in a position to take
11 sides, um, we can only act by - - we just can't allow
12 someone to come in - - I mean, as a licensee he could
13 come in and schedule to come in next week for our next
14 meeting and speak to us and how are we to know who
15 really is responsible for the license.

16 MR. MISTER: Mr. Scott, I fully understand
17 and we will promise you that we will provide authority
18 whether it be a written agreement from Mr. Craven and
19 his counsel or an order of the Circuit Court for Cecil
20 County but before we would expect this Board to
21 officially issue the license so that you have that. I
22 understand that.

23 ATTORNEY SCOTT: Okay, that's fine. I just
24 wanted to be clear. Didn't want to ignore that.

25 MR. MISTER: I wanted to point out though

1 that during that renewal period that's what happened
2 but we'll address that - - I'll address that with Mr.
3 Pasquale, who is corporal counsel, and we'll provide -
4 - communicate with you, Mr. Scott, about an appropriate
5 resolution, provide appropriate authority.

6 Today we're hoping to achieve an appropriate
7 extension. I've talked to my clients. I'm going to be
8 so bold as to suggest that an extension of a year would
9 be reasonable given the fact that we're still waiting
10 for a building permit from Cecil County and I don't
11 even know yet what the effects, lingering effects of
12 Covid are. I don't have personal experience of what's
13 happening in Cecil County but I know in other counties
14 I practice in and Baltimore and Howard County they are
15 go regressed in their time frame on issuing permits for
16 properties that don't even have a problem and don't
17 require all these layers of approval. So, that's why
18 we're asking for a relative extension - - extensive
19 extension in this regard.

20 ATTORNEY SCOTT: I don't disagree that it
21 could take up to that much time to get through the
22 permitting process. We've got Board of Health, there's
23 a number of obstacles that need to be overcome and
24 that's not an unreasonable amount of time. Whether or
25 not that's something that the Board will grant is,

1 again, that's a Board decision.

2 MR. MISTER: May I also suggest that we're
3 certainly, if the Board would agree, willing to submit
4 periodic written progress reports to the Board at
5 whatever intervals the Board feels is appropriate
6 whether it be quarterly or more frequently if the Board
7 would consider entertaining that extension.

8 MR. CAREY: Mr. Chairman, can I add what we've
9 done since July 29th since the Board has received our
10 checklist here?

11 CHAIRMAN MILLER: I'm not sure that that's
12 necessary.

13 MR. CAREY: I mean, we've done a lot since the
14 29th.

15 CHAIRMAN MILLER: I'm sure you have.

16 MR. CAREY: Okay, I just wanted to make sure
17 that we're - -

18 CHAIRMAN MILLER: We've been dealing with
19 this for four years.

20 MR. CAREY: And we take this matter very
21 seriously.

22 CHAIRMAN MILLER: I know you do and so do we.

23 MR. CAREY: I appreciate it.

24 CHAIRMAN MILLER: And on December 8, 2021 we
25 were told it would be open by Memorial Day with a

1 hundred slips and the building, and I understand and
2 appreciate you ran into problems. Okay?

3 MR. CAREY: I can give you the progress on the
4 marina. We actually got the marina slips
5 (undecipherable)

6 CHAIRMAN MILLER: Speak a little louder into
7 the microphone.

8 UNIDENTIFIED MALE: I'll have Dave Carey
9 testify behind me but we actually are building the
10 slips at the marina, the new bulkhead that has been
11 approved by M.D.E. So, we're doing stuff from the
12 water that doesn't need to be permitted through Cecil
13 County itself, just through M.D.E and D.N.R. So, we
14 are doing the water slips and we are doing the bulkhead
15 replacements and it looks pretty good over there.

16 CHAIRMAN MILLER: Okay.

17 UNIDENTIFIED MALE: So, there has been a lot
18 of improvement, not just the investment but the
19 commitment to the town that they're also
20 (undecipherable) with us.

21 CHAIRMAN MILLER: I understand that. I'm
22 going to entertain a motion at this point.

23 COMMISSIONER ORTT: Mr. Bradford, how many
24 licenses are available in that part of the county?

25 CHIEF BRADFORD: I believe there's four, five

1 but Robin can probably give you the exact number.

2 ATTORNEY SCOTT: So, to be clear there's
3 existing capacity for additional liquor licenses in
4 that geographical area which includes your location.

5 CHAIRMAN MILLER: So, what would happen is,
6 if we end up not granting an extension then when you're
7 ready you can apply for a new license and come back in,
8 when you're closer to this year date or whatever it
9 might be.

10 MR. MISTER: I certainly understand the
11 Board's position on that. I would urge you not to do
12 that only because they're undergoing a tremendous
13 expense, and of course my conservative advice always to
14 clients is, if you're going to be in the business,
15 restaurant business, marina business, any place that
16 you deem an alcoholic beverage license to be critical
17 to your service to the public that you don't make those
18 investments and you don't engage in that course of
19 commitment unless you already know you have the
20 license. And I understand the Board having approved
21 this once is maybe likely to do it again, but you never
22 know and I don't know that there won't be some ground
23 swell of a hundred people to show up from up the river
24 to say, you know, we didn't know about this last time
25 but we do this time and we don't want you to do it so,

1 you know, our plea is not to do that, keep us under
2 time frame, let us give progress reports. We're not
3 going to be sitting on this. I know it seems like they
4 did and I guess Mr. Carey was overly optimistic about
5 the permitting process when he suggested that we would
6 have been open by Memorial Day this year. As the
7 chairman's acknowledged they're taking this very
8 seriously and investing a lot of money in this, which
9 they wouldn't have invested this much if the Board
10 hadn't approved this initially for a license in August
11 of 2018. We know it's been four years. Mr. Carey, you
12 want to say something?

13 MR. CAREY: I'd like to add, since the last
14 time we were here I probably have invested another
15 \$400,000.00 in this and the financial institution, the
16 loan has been in place that I pay interest on with
17 about a Million-Seven in reserve for renovation. So,
18 the bank is feeling the pain of this process as well.
19 I mean, I closed on this loan a while back with a huge
20 renovation escrow budget and that approval was
21 contingent upon the license being in place. We haven't
22 stopped working a single day since I was here. Like I
23 said, I probably can produce paid receipts in the tune
24 of about \$400,000.00 to testing, bore testing, storm
25 water management plans, submittals, it's been non-stop.

1 I haven't "sat" on this for a day since the last time I
2 was here.

3 UNIDENTIFIED MALE: Chairman, I had
4 something, got a letter from Storm Water Management on
5 Monday stating we need to do the improvements. Since
6 then we're meeting with D.P.W. this morning to walk the
7 site with us to say, "This is exactly what you have to
8 do," this will be the last hurdle for us actually to
9 get our building plans, structural, to get reviewed and
10 really start that process of, "Well okay, eight/ten
11 weeks from now we're going to have a building permit,"
12 and we've met with the Administration, they felt
13 comfortable of us progressing the way we did. So, I
14 just want to on our attorney's request that, yeah - -

15 CHAIRMAN MILLER: Mr. Scott, do you have any
16 more questions?

17 ATTORNEY SCOTT: I do, thank you. When was
18 the last time, Earl, they were in?

19 CHIEF BRADFORD: December 8, 2021.

20 ATTORNEY SCOTT: Yeah, so here's my concern
21 and I want to be transparent about my concern, is it's
22 the Board's decision but I would like to add for the
23 record that not coming back here for close to nine
24 months and now we find out that, you know, we thought,
25 you know, the last we officially heard is that you were

1 going to open over Labor Day weekend and then here we
2 are days before the weekend and now we're hearing you
3 might be a year away. So, you know, put yourselves in
4 the shoes of the Board and the obligations that we have
5 to the community. Philosophically our obligation to
6 the community is that there are only so many liquor
7 licenses and we want them to be operational. We don't
8 want them to be put in a pocket and saved for some
9 other day but they need to be utilized, and if you're
10 not - - if they're not going to be utilized they need
11 to be returned back to the community which they can be
12 used. In this situation there are at least three ones
13 that are not being utilized and so - -

14 ROBIN TRADER: There are six.

15 CHIEF BRADFORD: Six.

16 ATTORNEY SCOTT: Six, so, in that sense
17 you're number isn't helping or hurting that number but
18 philosophically we have taken away liquor licenses
19 prior to my time the Board has taken away liquor
20 licenses when they've not been utilized because it's a
21 resource owned by the community, the tax payers of
22 Cecil County. I do understand, you know, as a prior
23 business owner, I understand the obligations of the
24 bank and you don't want to have your loan called in
25 because you lose your liquor license. So, I guess what

1 I would ask, would you be open to doing a much shorter
2 extension and having to come in and show progress
3 reports, and I realize that's cumbersome, bring your
4 attorney back, that's probably a little costly but, you
5 know, the nine month window I think we're somewhat
6 disappointed there's not been more progress and, you
7 know, if we were to do three month, you know, three
8 months at a time to ensure that there's real progress
9 being made, I mean, I want you to understand no one
10 likes to deliver bad news including this Board but this
11 is a - - you've put us in a very awkward position and
12 it's not us putting you in an awkward position, you've
13 put us in a tough spot to have to make a decision and
14 we want people to invest in the county, we want jobs to
15 be created. Those are all positives. We're happy that
16 you've invested your own money, you know, as a business
17 - - I understand that but we have a obligation that's
18 bigger than just your specific location. And so,
19 perhaps three month - - a three month extension where
20 we can see real progress would be something I might see
21 if they'd be open to. Again, without being able to
22 tell you what the Board may or may not do. They're the
23 ones that vote, not me.

24 MR. MISTER: Mr. Scott the only counterpoint
25 I would make to that is, and I understand and I'm aware

1 having practiced throughout most of the counties that
2 there are - - there's some inconsistencies about the
3 statutes that apply to unused licenses or dormant
4 licenses, and I'm sure Mr. Scott's aware of that. Some
5 places they were so ridiculous that licenses expired
6 within ten days of a property being abandoned or
7 whatever extendable to twenty. Some of the counties
8 were more progressive, Baltimore County for instance,
9 we have a statute that allows a business to be closed.
10 They don't use abandonment or eviction, they use "being
11 closed," for a year can be extended automatically up to
12 two years. The difference here is that this is not a
13 situation where we're abandoning this, we're going
14 gungho on this project. We prospectively applied and I
15 showed, at that time, although I wasn't counsel, there
16 was a public accommodation to be served the 4-210
17 factors that the Board always considers and I think we
18 could show that again. The problem is it does put us
19 at some risk, it would put Mr. Carey at risk of
20 actually defaulting on his loan and I believe that all
21 the same factors are going to apply. Maybe we would
22 have to do just a little bit more work, I'd have to
23 prepare a new application and come back again, there's
24 other factors that apply but I believe we can provide
25 the same, hopefully, comfort level to this Board by

1 making those periodic progress reports.

2 Now, I can't speak for Mr. Carey but I think any
3 cost, from me, would be relatively inconsequential
4 compared to what he's investing right now and we're
5 willing to come back here as often as the Board would
6 ask us to do if you will just let us get down the road
7 further. Now that we're on the verge, if I understand
8 correctly from Mr. Vontran and Mr. Carey that after
9 this D.P.W. meeting this morning and stuff like that
10 there'll be come construction work going on hopefully
11 under a building permit. Is that correct?

12 MR. CAREY: Actually the finish line was Storm
13 Water Management, as soon as they approve, that will be
14 a last step - - these big set up plans we have, here
15 you go Steve, and start reviewing them and give us our
16 comments back so we can get them approved. Come back a
17 year of time it ain't going to take us a year to start
18 construction, we will start construction immediately
19 after we get the approval for the building permits.

20 COMMISSIONER CHIOMINTO: How long would that
21 be?

22 MR. CAREY: I can't speak for the County but
23 we would be happy if it was done in eight weeks.

24 ATTORNEY SCOTT: It will not be done in eight
25 weeks unfortunately.

1 CHAIRMAN MILLER: Mr. Bradford?

2 CHIEF BRADFORD: Yes sir.

3 CHAIRMAN MILLER: If they would come back and
4 file before October 1st for a new application would it
5 most likely that we would give them a year to open?

6 CHIEF BRADFORD: File for a new application?

7 CHAIRMAN MILLER: Yeah.

8 CHIEF BRADFORD: Or the process would start
9 over again and then you could issue up to a two year
10 extension and we usually do that in increments.

11 CHAIRMAN MILLER: Okay.

12 ATTORNEY SCOTT: You want me to see if
13 there's anyone who'd like to speak for on behalf of
14 this extension application?

15 CHAIRMAN MILLER: Sure.

16 ATTORNEY SCOTT: Is there anyone in the
17 audience who would like to speak for or against this
18 application extension?

19 AUDIENCE: (No verbal response)

20 ATTORNEY SCOTT: Seeing none I see back to
21 the chair.

22 CHAIRMAN MILLER: So a possibility could be,
23 if we did not grant the extension and they re-file
24 before the October meeting - -

25 ATTORNEY SCOTT: When is their current

1 extension expire?

2 CHIEF BRADFORD: It's expired. They need to
3 either - - the license either needs to be expired today
4 or an additional extension granted.

5 ATTORNEY SCOTT: And that's going to put you
6 in a tough spot with your bank, is that correct?

7 MR. CAREY: I can't speak for the bank but I
8 would imagine - -

9 ATTORNEY SCOTT: Was the loan contingent upon
10 you having an active liquor license?

11 MR. CAREY: Yes.

12 ATTORNEY SCOTT: So they could call it in.

13 MR. CAREY: It puts it in default.

14 ATTORNEY SCOTT: Yep. Okay.

15 CHIEF BRADFORD: If the license was expired
16 today we would have to have a completed application by
17 the end of the day Friday to be heard at our September
18 meeting or - -

19 ROBIN TRADER: Actually tomorrow. Tomorrow
20 is the first.

21 CHIEF BRADFORD: I'm sorry, yeah tomorrow,
22 Thursday or by the end of the first fourteenth day of
23 October to be heard at the October meeting.

24 CHAIRMAN MILLER: Okay, thank you.

25 CHIEF BRADFORD: Uh huh.

1 CHAIRMAN MILLER: All right, I'll entertain a
2 motion.

3 COMMISSIONER CHIOMINTO: Uh.

4 CHAIRMAN MILLER: You have a quick question?

5 COMMISSIONER CHIOMINTO: Yes. I'll make a
6 motion then we grant them a three month extension for
7 the Class B - BWL No. B179 David A. Carey, Member;
8 Charles - - do I read Mr. Craven's name still?

9 CHAIRMAN MILLER: Well, that has to be
10 straightened out.

11 CHIEF BRADFORD: Well it's officially - -

12 ATTORNEY SCOTT: I think we still need to
13 officially do that until he's officially removed.

14 COMMISSIONER CHIOMINTO: Okay, Member,
15 Charles Harry Craven, Jr., Member 31 River LLC
16 transferred as Tiki Lee's 31 River Road, Perryville,
17 Maryland 21903.

18 CHAIRMAN MILLER: And did you want to add any
19 progress?

20 COMMISSIONER CHIOMINTO: No, that should
21 suffice, I mean they know our recommendations and Mr.
22 Scott's comments.

23 CHAIRMAN MILLER: Okay.

24 ATTORNEY SCOTT: In other words, if there's
25 not real - - the Board, I think will see in three

1 months if there's not real progress.

2 CHAIRMAN MILLER: Okay.

3 MR. MISTER: And Mr. Scott, with your
4 permission I'll probably contact you tomorrow or this
5 week to talk more about the issue of Mr. Craven.

6 ATTORNEY SCOTT: Sure.

7 MR. MISTER: It might be satisfactory of the
8 Board in a way we can address that also during that
9 interim period.

10 ATTORNEY SCOTT: We're waiting on a second.

11 CHAIRMAN MILLER: I know. My question was we
12 approved it with Mr. Craven on it and then we find out
13 later that he really wasn't supposed to be on it.

14 ATTORNEY SCOTT: So, it's not a matter of - -
15 I'll give you legal advice and please feel free to jump
16 in, we can - - if the motion were to pass they can come
17 in at any time and seek to remove him and the Board, at
18 the next meeting, could remove him if we have evidence
19 that he needs to be removed.

20 MR. MISTER: I understand and I apologize to
21 the Board, I did not draft the original application. I
22 am told by corporate counsel that at the time was
23 contemplated that Mr. Craven was going to be an
24 investor, he has been in other related businesses that
25 Mr. Carey has but when I was - -

1 MR. CAREY: A single business.

2 MR. MISTER: A single - - one other business,
3 and when I was advised that he never did, and as a
4 matter of fact the operating agreement was prepared and
5 did not include him, that's why I thought I had to
6 bring it appropriately to the Board's attention.

7 ATTORNEY SCOTT: So, it's to our attention
8 and we've been - - we've received multiple documents
9 from different agencies regarding this so I'm glad
10 you're openly discussing it but it does need to be - -
11 if it is to be terminated, it needs to be terminated by
12 him or by the Court or you start from scratch.

13 MR. MISTER: And we understand that that's an
14 option to and if the Board does grant this three month
15 extension that gives us some breathing room to do any
16 and all of those things. What I don't want is to put
17 Mr. Carey in a position that he goes into default with
18 the bank but this gives us a chance.

19 ATTORNEY SCOTT: I just think that you've got
20 a lot of work to do if this were to be granted, over
21 the next couple months and remember that things to be
22 put on the agenda need to happen by the first.

23 CHIEF BRADFORD: By the end of the first day
24 of the month.

25 ATTORNEY SCOTT: Yeah, for it to be put on

1 the end of the month agenda so it really gives you two
2 full months to get all this done.

3 CHAIRMAN MILLER: Okay, I have a motion on
4 the floor to grant a three month extension and then
5 they'll come back in to explain progress and we'll
6 decide then on what's going on and see if we can
7 straighten things on the Charles Craven issue. Do I
8 have a second?

9 COMMISSIONER ORTT: Second.

10 CHAIRMAN MILLER: All in favor say "Aye."

11 BOARD: Aye.

12 CHAIRMAN MILLER: Opposed?

13 BOARD: (No verbal response)

14 CHAIRMAN MILLER: See you in three months.

15 MR. MISTER: Do we need to request to be back
16 in front of the Board in three months or will the Board
17 set us in?

18 ATTORNEY SCOTT: No, you need to request if
19 you - - unless you are done and you're coming in to
20 request your actual license.

21 MR. MISTER: Right, if we've gotten the
22 license - - it won't be an issue but - -

23 ATTORNEY SCOTT: But no, you need to continue
24 to come in until - -

25 MR. MISTER: Okay. Understood.

1 UNIDENTIFIED MALE: It will be the November
2 meeting, correct?

3 ATTORNEY SCOTT: Yes.

4 ROBIN TRADER: Yes.

5 ATTORNEY SCOTT: Yeah, so by November 1st
6 you'll need to be put on the docket.

7 MR. MISTER: Understood.

8 CHAIRMAN MILLER: Thank you.

9 ROBIN TRADER: Thank you.

10 CHAIRMAN MILLER: Next we go into violations.
11 No alcohol awareness training. Class "B" BWL No. B-26
12 Joshua Edison; Andrea Nicole Hershey, Patrick David
13 Dixon, Maryland Resident, Feldspar Services LLC, T/A
14 Buck's Restaurant and Tavern, 314 East Main Street,
15 Rising Sun, Maryland 21911.

16 UNIDENTIFIED FEMALE: (Undecipherable) How are
17 you?

18 CHAIRMAN MILLER: Good morning.

19 ROBIN TRADER: Speak into the mic.

20 ATTORNEY SCOTT: Could you each identify your
21 names and who you are?

22 MS. SEYMOUR: I'm Melissa Seymour, I'm the
23 general manager at Buck's Restaurant and Tavern.

24 MS. HERSHEY: Andrea Nickle Hershey, Owner of
25 Buck's Restaurant and Tavern, Feldspar Services.

1 CHAIRMAN MILLER: Okay, did you have the
2 training?

3 MS. SEYMOUR: We did. Monday we had the
4 training.

5 CHAIRMAN MILLER: Do you have certificates?

6 MS. SEYMOUR: I actually have two of our
7 bartenders who have always been certified that I don't
8 believe you have record of. I don't know where the
9 discrepancy was but they have been certified and have
10 been in our restaurant and tavern, and then we have ten
11 more employees that passed the certification on Monday
12 and we're just awaiting receipts - -

13 CHAIRMAN MILLER: Ten?

14 MS. SEYMOUR: Ten, yes. Yes.

15 CHAIRMAN MILLER: Any questions?

16 COMMISSIONER CHIOMINTO: I have none.

17 COMMISSIONER ORTT: No questions.

18 CHAIRMAN MILLER: Okay, we will notify you of
19 our decision. Thank you.

20 ROBIN TRADER: Can I see your certificates?

21 COMMISSIONER CHIOMINTO: These people that
22 were certified, were they the individuals for the
23 violation?

24 CHIEF BRADFORD: Well, what the law actually
25 says, "All managers, supervisors and all bartenders

1 must be trained."

2 COMMISSIONER CHIOMINTO: Okay.

3 CHAIRMAN MILLER: Is there a reason we didn't
4 have the two that were already certified?

5 CHIEF BRADFORD: They never were provided to
6 us.

7 ROBIN TRADER: One was 7/6/2020 so that was
8 during Covid. I'm not saying that's an excuse. The
9 other one was just this past March. I don't - - all I
10 can say is I get seventy-five emails a day between two
11 offices, it's hard to keep track.

12 CHAIRMAN MILLER: Okay, thank you very much
13 for coming.

14 MS. SEYMOUR: Thank you.

15 CHAIRMAN MILLER: We'll let you know in the
16 mail.

17 CHIEF BRADFORD: Email or mail, yes.

18 MS. SEYMOUR: Wonderful. Thank you. Have a
19 great day.

20 CHAIRMAN MILLER: Thanks again. Next case is
21 Class "B" B-100, Mahesh Baribhai Patel, Partner;
22 Dushyant Harivaden Desai, Partner; Edwin B. Fockler,
23 III, Member; Leslie Investments, LLC, T/A Holiday Inn
24 Express, 100 Hotel Plaza, North East, Maryland.

25 UNIDENTIFIED MALE: Good morning.

1 CHAIRMAN MILLER: Good morning. Identify
2 yourself please.

3 MR. PATEL: (Undecipherable) Just didn't have
4 my TIPS training done in time. I do apologize about
5 that. I've been very upfront with it. I've been doing
6 it for sixteen years now and this year just slipped my
7 mind. Mr. Bradford come in and keep on reminding me
8 and I just - -

9 CHAIRMAN MILLER: Are you scheduled?

10 MR. PATEL: I'm sorry?

11 CHAIRMAN MILLER: Are you scheduled?

12 MR. PATEL: I already completed on Monday.

13 CHAIRMAN MILLER: Do you have a certificate?

14 MR. PATEL: She said she was going to email
15 the Liquor Board today and let them know that I did
16 complete it.

17 CHIEF BRADFORD: It does usually take her a
18 few days to email us the certificates.

19 CHAIRMAN MILLER: Okay. Come back next month
20 with it or as soon as you get it in the mail.

21 CHIEF BRADFORD: Or if he can provide it to
22 us as soon as he gets it.

23 CHAIRMAN MILLER: Okay. If we get it in the
24 mail you won't have to come back. If we don't get it -
25 -

1 MR. PATEL: Yeah, of course. Can I email it
2 to the Board or how do you want that?

3 CHIEF BRADFORD: That will work.

4 CHAIRMAN MILLER: Email is fine. We just
5 need it or you come back next month.

6 MR. PATEL: Okay.

7 CHIEF BRADFORD: Actually the law says, "All
8 managers, supervisors and bartenders must be on duty at
9 all times, so if you're the only one who has it you
10 have to be there all the time so you probably should
11 get somebody else trained. Okay?

12 CHAIRMAN MILLER: And just as Mr. Bradford
13 reminded me before we came in today, since January 1st
14 they've given thirty free classes.

15 MR. PATEL: Yes.

16 CHAIRMAN MILLER: And it's an obligation and
17 with that much time - -

18 MR. PATEL: I understand.

19 CHAIRMAN MILLER: Thank you. Have a good
20 day. We'll let you know. We have a class B&LW No. B-
21 152 - Giuseppe Dimeo, Bella Pizza, LLC, T/A Bella
22 Pizza, 4 West Cecil Avenue, North East, Maryland.

23 BELLA PIZZA: My name is Antonio
24 (Undecipherable) I represent Bella Pizza. Giuseppe
25 Dimeo is my cousin and he's out of the country right

1 now for a family emergency. I know we have the
2 certificates were expired and I was to the class like
3 last Monday just for fix all that stuff.

4 CHAIRMAN MILLER: So you don't have the
5 training yet?

6 BELLA PIZZA: I was in the training last
7 Monday, like two days ago.

8 COMMISSIONER CHIOMINTO: So you passed on
9 Monday? You took the - -

10 BELLA PIZZA: Now I just waiting for the - -
11 they mail me.

12 COMMISSIONER CHIOMINTO: The certificate.

13 BELLA PIZZA: Yes.

14 CHAIRMAN MILLER: Okay, so once you get that
15 you will email it to us.

16 BELLA PIZZA: Okay.

17 CHAIRMAN MILLER: And if we don't get it, you
18 will come back next month.

19 BELLA PIZZA: Okay.

20 CHAIRMAN MILLER: Okay?

21 BELLA PIZZA: Yes.

22 ROBIN TRADER: Are you the only one trained?

23 BELLA PIZZA: It was me and not the girl but
24 decided girl work with me was sick this morning for
25 (undecipherable) two people.

1 CHAIRMAN MILLER: But she's been trained?

2 BELLA PIZZA: Yes.

3 CHAIRMAN MILLER: So we need both of them.

4 ROBIN TRADER: You're the only managers?

5 BELLA PIZZA: Yes, both are managers. So, just
6 whenever I get the certificate, I have to send in.

7 ATTORNEY SCOTT: Make sure everyone sends it
8 in.

9 CHAIRMAN MILLER: Okay? And if not you'll be
10 notified to come in next month.

11 BELLA PIZZA: Okay.

12 ATTORNEY SCOTT: All right.

13 CHAIRMAN MILLER: We'll let you know. All
14 right, Class "B" BWL No. B-168 Thomas Dye: Takis
15 Rahaniotis Two Hundred Twenty-Three East Main Street,
16 LLC T/A Four Seas Pizza, 223A East Main Street, Rising
17 Sun, Maryland.

18 UNIDENTIFIED MALE: How are you?

19 CHAIRMAN MILLER: I'm fine, how are you?
20 Okay, what have you done?

21 ATTORNEY SCOTT: Why don't you identify
22 yourselves and then.

23 MR. DYE: I'm Thomas Dye.

24 FOUR SEASON: I'm (Gusser Rahaniotis) I'm the
25 manager at Four Season. We have taken a class.

1 CHAIRMAN MILLER: All of you?

2 MR. DYE: The two of us.

3 CHAIRMAN MILLER: Okay.

4 FOUR SEASON: These are the TIPS cards that
5 we received. Certification for the class that we took.
6 So we took it last Tuesday. And it was an online
7 class. I am scheduled set up with Linda for the 12th
8 if that was in discreption. That was something that's
9 not acceptable.

10 CHIEF BRADFORD: Yeah, Maryland doesn't
11 accept online classes.

12 CHAIRMAN MILLER: You still have to take the
13 test.

14 CHIEF BRADFORD: Only if a test is given in
15 person.

16 FOUR SEASON: So, maybe we can just take the
17 test. I am set up with Linda for September 12th 11:00.

18 CHAIRMAN MILLER: Is Gus?

19 FOUR SEASON: At the Wellwood, Gus and I. I
20 am working. We don't have employees to work so that is
21 the other case with this online side. I have to do
22 things on Mondays and Tuesdays. I'm shut down right
23 now.

24 CHAIRMAN MILLER: I understand.

25 FOUR SEASON: That's the other case there

1 too.

2 CHAIRMAN MILLER: I understand the situation
3 but somebody besides Tom has to get the training.

4 FOUR SEASONS: Yeah, that's the unfortunate
5 part so, that's why we took it online seeing that could
6 go.

7 CHAIRMAN MILLER: Right.

8 MR. DYE: Well Gus and I had it last,
9 previous.

10 CHAIRMAN MILLER: I understand but somebody
11 besides you that's actually in the restaurant all the
12 time has to have it.

13 FOUR SEASONS: Correct. Will probably be one
14 more too. We're just working on that.

15 CHAIRMAN MILLER: Okay.

16 ATTORNEY SCOTT: So, those will need to be in
17 before our next meeting. So, if - - I know you're
18 scheduled with Ms. Meffley - -

19 FOUR SEASONS: Two of us are.

20 ATTORNEY SCOTT: Both of you are, okay. Just
21 make sure you get those to Earl or Robin before - -

22 CHAIRMAN MILLER: If you get those done and
23 get them to us we'll let you know and you won't have to
24 come back next month. If we don't hear anything okay,
25 so we'll let you know.

1 FOUR SEASONS: Thank you. Appreciate it.

2 CHAIRMAN MILLER: Thank you all for coming
3 in. I appreciate it.

4 FOUR SEASONS: Thank you.

5 ATTORNEY SCOTT: Hope you guys enjoyed your
6 time off.

7 CHAIRMAN MILLER: Noise. Class "B" BWL No.
8 B-83 William Gravlee, Triton Marina Services, LLC,
9 Owner, John Bragg, Bampen LLC, lease Manager, T/A
10 Unwined on the Water, 285 Plum Point Road, Elkton,
11 Maryland 21921.

12 (Pause in conversation)

13 CHAIRMAN MILLER: Mr. Bradford would you read
14 the violation to us?

15 CHIEF BRADFORD: Yes. As you're aware,
16 during the last month of June we received a petition
17 from the residents of Wood Crest Shores and the
18 surrounding area regarding a violation occurring at
19 Unwined on the Water. The violation is alleged "F"
20 prohibited practices, "7" noise. "All licensees shall
21 operate establishment in such a manner that will not
22 disturb the peace, safety and tranquility of the
23 neighborhood where located. All unnecessary noise
24 emanating from the licensed premise or emanating at
25 unreasonable times is prohibited. The intent of the

1 rule is that the licensee operation shall not adversely
2 impact their surrounding neighborhood in terms of noise
3 and/or anti-social illegal, boisterous and unsafe
4 activities." And I will say that the petition was
5 signed by approximately fifty-two persons, residents of
6 the Wood Crest Shores surrounding area and I do believe
7 they have several speakers here today.

8 CHAIRMAN MILLER: Mr. Bradford do you have a
9 copy of the list of the fifty-two signatures?

10 CHIEF BRADFORD: Uh huh.

11 CHAIRMAN MILLER: Have you checked the
12 addresses?

13 CHIEF BRADFORD: I think Robin has, yes.

14 CHAIRMAN MILLER: Robin have you checked the
15 addresses?

16 ROBIN TRADER: Most of them.

17 CHAIRMAN MILLER: Okay, if you three would
18 identify yourselves.

19 DWIGHT THOMEY: Yes, Chairman Miller, I'm
20 Dwight Thomey, attorney for the licensees. To my
21 right, go ahead Bill.

22 BILL GRAVLEE: Good morning, I'm Bill Gravlee.

23 DWIGHT THOMEY: He's the owner of the
24 premises and to my left, John, go ahead.

25 JOHN BRAGG: John Bragg, owner of Unwined.

1 DWIGHT THOMEY: Okay, so we would start out
2 by thanking you for having the opportunity to come in
3 and respond to the complaint. I will tell you that
4 Robin just handed me these documents. So, it's the
5 first time I've actually seen the petition and the
6 letters, so. I don't know how prepared I am to address
7 them specifically but it is our understanding that the
8 complaint has to do with noise emanating from the
9 Unwined Restaurant at the Triton Marina. Mr. Gravlee
10 you've owned the Triton Marina since when?

11 MR. GRAVLEE: March 15th of 1999.

12 DWIGHT THOMEY: Okay, and you've had a
13 restaurant on the premises since approximately when?

14 MR. GRAVLEE: At least two decades.

15 DWIGHT THOMEY: Okay.

16 MR. GRAVLEE: It was early 2000's.

17 DWIGHT THOMEY: Okay, and has there always
18 been some live entertainment at the restaurant?

19 MR. GRAVLEE: Yes sir.

20 DWIGHT THOMEY: Okay. Now, Mr. Bragg, you
21 became the operator of the Unwined Restaurant at this
22 site when?

23 MR. BRAGG: March of 2020.

24 DWIGHT THOMEY: Okay, and you've been
25 operating continuously since that date.

1 Mr. Bragg: Correct.

2 DWIGHT THOMEY: And there came a time when
3 you became aware of the fact that some neighbors had
4 complained of excessive noise, is that correct?

5 MR. BRAGG: Yes sir.

6 DWIGHT THOMEY: And what steps did you take
7 to try to address the situation?

8 MR. BRAGG: We addressed it through texts and
9 conversations with the bands that were playing to
10 minimize the music to play to our audience and not the
11 neighborhood. We also have spent, early on in 2020,
12 we've spent about \$3,800.00 to have a sound specialist
13 to come out and give us a layout of what would provide
14 the least disruption for the neighborhood and guests
15 across the water and the current design that we have
16 was the best fit because of the way that the - - their
17 music is played towards the building rather than
18 playing out across the water where it could carry
19 further. So, you know, we followed those instructions,
20 professional instructions and, you know, set the
21 property up in accordance with that.

22 DWIGHT THOMEY: And when you became aware
23 that there was still some complaints did you take some
24 - - change some equipment, start doing some sound
25 measurements at your location?

1 MR. BRAGG: Yes, we've obtained a decibel
2 meter that we have the number one ranked decibel meter
3 which was a costly investment. Training a calibrator
4 to make sure that it was calibrated and had
5 professionals give us the ability to process that and
6 how to get the readings. We then took readings and
7 have been since May 13th.

8 DWIGHT THOMEY: And do you have a printout of
9 your readings since that time?

10 MR. BRAGG: Yes.

11 DWIGHT THOMEY: Do you have copies available?

12 MR. BRAGG: I do. Each of you?

13 ATTORNEY SCOTT: Yep, that'd be great.

14 DWIGHT THOMEY: We would like to submit that
15 as an exhibit if we might.

16 ATTORNEY SCOTT: That's accepted.

17 MR. BRAGG: I don't know if I have enough.

18 ATTORNEY SCOTT: We can share it, it's all
19 right.

20 MR. BRAGG: So in these readings you can see
21 beginning May 12th we started taking readings. There
22 isn't a reading that exceeds the State level of 65
23 decibels. We work with the bands when they initially
24 start. Our first reading, you can see the column is
25 taken on the deck directly in front of the stage which

1 will typically be the highest decibel reading. We take
2 them at different times throughout the night while
3 they're performing. We also take one at the entrance
4 to the property and we take one just up the street at
5 187 Plum Point.

6 DWIGHT THOMEY: So, those are the three
7 locations and the three columns on deck, front entrance
8 and up the street?

9 MR. BRAGG: Correct.

10 DWIGHT THOMEY: So, up the street is 187 Plum
11 Point?

12 MR. BRAGG: Up the street is 187 Plum Point.

13 DWIGHT THOMEY: And when you have live
14 entertainment do you have time when you make sure that
15 the live entertainment ceases?

16 MR. BRAGG: Yeah, the live entertainment is
17 always completed by ten o'clock and I say that with
18 some slight variation if they're in the middle of a
19 song and it goes to 10:05 or something like that but
20 the entertainment is until ten o'clock. A matter of
21 fact we eliminate all music after ten o'clock that's
22 played outside of our building. Any entertainment or
23 any music that's after ten o'clock is played at the
24 inside bar or the enclosed area of the building.

25 DWIGHT THOMEY: And at that time it's just

1 like music - -

2 MR. BRAGG: Yeah, at that time it's like a -
3 - we just do a radio station or a play list.

4 COMMISSIONER CHIOMINTO: Since you took over
5 the facility prior to - - when did the music play? Did
6 you change that to ten o'clock from another time after
7 you - -

8 MR. BRAGG: I'm not familiar with when the
9 music played.

10 COMMISSIONER CHIOMINTO: I mean when you took
11 over, was it always ten o'clock?

12 MR. BRAGG: Yeah, we typically would go ten
13 o'clock. I mean there were some bands at 10:30 but
14 moved it back to ten o'clock after some conversation
15 with, you know, residents of the neighborhood. You
16 know, we moved it back to ten and we've been very
17 diligent about trying to make sure, you know, like I
18 said there may be some slight variation but very
19 little.

20 DWIGHT THOMEY: I have printed out from the
21 Department of the Environment, has specific regulations
22 addressing noise levels that you may or may not - - I
23 don't know if you all have those handy or not but I
24 have a copy that I could certainly present to you which
25 basically indicates that noise levels in a residential

1 district should not exceed 65 decibels between 10:00
2 p.m. and 7:00 a.m. - - no, I'm sorry, between 7:00 a.m.
3 and 10:00 p.m. and not exceed 55 decibels after 10:00
4 p.m. til 7:00 a.m. So, I have that here so that you
5 can reference it if you wish.

6 ATTORNEY SCOTT: Pass that down.

7 DWIGHT THOMEY: You know unfortunately when
8 you have a business location whether it be a marina or
9 a restaurant or anything like that and almost all of
10 our marinas are in areas that are surrounded by
11 residential neighborhoods, that just seems to be the
12 way things developed in Cecil County, you always have
13 that somewhat tension between the local residents and
14 the business but these people have made a good faith
15 attempt, as you can see, to try to make sure that they
16 comply with regulations that are reasonable. Now, I
17 think you had, through your work with the sound
18 engineer, gotten some print outs to give the Board some
19 idea of what 65 decibels means, correct?

20 MR. BRAGG: Correct. In your packet towards
21 the back you'll find some decibel level comparison
22 charts. These are from the American Academy of
23 Audiology, a gentleman that I worked with there, had
24 several conversations with, these are the, you know,
25 just comparison and I will say for, you know, a good

1 level basis normal conversation is 60 to 70 decibels.
2 So, if you're just having a conversation you're at 60
3 to 70. So, from my live entertainment to be less than
4 65 it really is no more than a conversation between two
5 people. We also have, you know, different standards,
6 you'll see the colored sheet there, you know, that
7 addresses the noise level and decibels as well,
8 moderate, soft, loud. You know, to sustain any type of
9 damage, you know, it has to be at 85 decibels for an
10 extended period of time. So, we consistently in the
11 readings that you see and the times that you see, we
12 consistently have altered or adjusted the decibel level
13 from the earlier time to the later time to account for,
14 you know, some of the neighborhoods concerns.

15 You will see that there are times where there
16 isn't a reading taken up the street, I'll just point
17 that out or that may not be taken at the front
18 entrance. The only reason for that is that the prior
19 readings didn't really warrant that happening because
20 they were so low, they were 58, 59, 60, 61, they were
21 so low we didn't take another reading because we were
22 well underneath the acceptable decibel level.

23 DWIGHT THOMEY: So, I guess in short we
24 wanted to present with you that Mr. Bragg and his
25 operation has taken serious consideration of the

1 neighborhoods concerns and has tried to address them
2 and this was something he and I have discussed because
3 I have several large restaurant owners in the county
4 that operate live entertainment and whenever they start
5 getting complaints about noise, my first suggestion to
6 them is get a good sound measurement device, get
7 trained how to operate it, and put it out there so that
8 as your band is playing, if you see that they're making
9 - - they're too loud you tell them to turn it down.
10 You know, that's what you do. Unfortunately some
11 noises, you know, some people don't like certain kinds
12 of music for example, I mean some noises would disturb
13 people more than other noises would. I'm sure it comes
14 at no surprise to you, I mean, I live no where near
15 this but I live at the Villages of Elk Neck which is
16 kind of in the middle of the peninsula, I hear boats
17 going by that are probably louder than this in the
18 evenings quite often. It's not uncommon if I'm sitting
19 on my back deck and here the "brrrrrrr" going down- -
20 there are noises that you hear, my neighbor might have
21 their lawnmower on that's going to be louder than this
22 and I'm not happy that he's running his lawn mower, you
23 know, on Sunday evening when I want to eat on my back
24 deck but you have to learn to live and let live, and
25 we're hoping that that's where we can get to here.

1 ATTORNEY SCOTT: Chairman, I have a couple
2 observations, if I may?

3 CHAIRMAN MILLER: Yes sir.

4 ATTORNEY SCOTT: First, thank you for coming
5 in and thank you Mr. Thomey for your presentation. I
6 want to make a statement to everyone in the audience
7 that after they are finished and after the Board is
8 done this, you will then get - - whoever was signed up
9 to speak will get to come up and speak, and at that
10 point I'll defer to the Chairman of whether or not he'd
11 like you come back and answer anything that may have
12 come up beyond what you're already stated. So, we'll
13 do a - - the process will be, you will get to go next
14 and testify as to the basis of your petition. Before
15 that I have a couple observations from what I heard in
16 a quick perusal of the exhibit A that you gave us of
17 the decibel readings. First off, the Liquor Board has
18 been tasked with a liquor license is not a right at any
19 level but it is overseen and gifted out by the Board
20 and it is to serve the community. It's not necessarily
21 to serve the interest of a business owner, it's a joint
22 - - that's why we have a Board, otherwise it would just
23 be a simple application, you'd get it and then that'd
24 be it but we're tasked with keeping the tranquility, as
25 you heard in the beginning of the violation, of the

1 community and the word "tranquility," could mean
2 different things to different people but it certainly,
3 at some level people can agree that tranquility means
4 peace and quiet. Your sound engineer that you brought
5 in to layout the proper setting to mitigate noise
6 outside your property, a quick pursual of this by me,
7 the on deck and front entrance decibel levels don't
8 seem - - seem almost deminimis difference between up
9 the street. I don't see any kind of significant
10 difference in the decibel level, so I just wanted to be
11 clear with what I'm reading.

12 MR. BRAGG: And sometimes there will not be.
13 The readings were taken just, you know, as they appear.

14 ATTORNEY SCOTT: Sure.

15 MR. BRAGG: So, in many cases, if there's an
16 air conditioner running across the street - -

17 ATTORNEY SCOTT: It may pick that up - -

18 MR. BRAGG: I didn't filter it down but - -

19 ATTORNEY SCOTT: Fair enough.

20 MR. BRAGG: - - you know, birds chirping you
21 can see the decibel meter kick up if a bird's chirping
22 right next to you. I had to stop my car because the
23 engine definitely makes a huge difference.

24 ATTORNEY SCOTT: Sure. I understand that. I
25 just wanted to point out that there's - - the document

1 you submitted there's not much difference.

2 MR. BRAGG: Well, I mean, if you look at some
3 of them there's two points difference as some point,
4 you know.

5 ATTORNEY SCOTT: Well, I see in some it
6 actually goes up. Some are about the same and some go
7 slightly down.

8 MR. BRAGG: Right.

9 ATTORNEY SCOTT: I just wanted to point that
10 out for the Board.

11 MR. BRAGG: Can I offer, also too when you -
12 -

13 ATTORNEY SCOTT: A good faith attempt to keep
14 noise down does not necessary mean success or that
15 you've achieved tranquility. So, I have this
16 conversation with my sixteen year old daughter all the
17 time about trying hard doesn't necessarily mean you get
18 an "A" but that you need to do the work to get an "A"
19 or you're not going to get an "A." And so, the
20 ultimate goal here is tranquility and so, that's not a
21 necessarily well defined, it's up to the Board to
22 decide what and how they interpret that. But we
23 appreciate that you're working hard but the ultimate
24 goal is if the community feels you've been successful
25 and that's why we're going to hear from the community

1 in just a minute. The other comment I'd like to make
2 is, I appreciate you putting the standards down from
3 when people are injured from sound. I may not be
4 injured by sound but I need to go to sleep by 10:00
5 p.m., noise is disruptive and can hurt my tranquility
6 but it may not burst my ear drum, and so again, the
7 standard for tranquility is not harm, it's peace and
8 quiet, and again that's up to the Board to decide where
9 that is.

10 And then the final one is we do have many marinas
11 and restaurants and live music throughout the county
12 and as you testified, Mr. Thomey, that you have other
13 clients that are in that arena. The difference is is
14 that we don't have petitions from the neighborhood from
15 all of those. The reason why we're here today is
16 because we have - - we're going to hear from a large
17 group of people that are going to - - that I assume or
18 presume will testify that the noise is interfering with
19 their tranquility, and so just because - - so I just
20 want to say that just because it's done elsewhere, it's
21 actually done somewhat successfully elsewhere because
22 we don't have these kind of complaints. We don't - -
23 I've been here for two years now and we do not have
24 this level - - every meeting we do not have folks
25 coming in to complain about noise from an

1 establishment. This is a rare occasion. So, something
2 that obviously this Board is going to take very
3 seriously. I just wanted to make those comments before
4 we proceeded.

5 DWIGHT THOMEY: If I could quickly respond.
6 The 65 noise level of the State is not to prevent
7 damage, that's like 85 decibels, the 65 was what the
8 Department of Environment came up with as a reasonable
9 standard for the amount of noise that should be
10 acceptable in a residential neighborhood. The last
11 thing is he does have, because apparently there was a
12 petition that we got this morning, he did get - - he's
13 got a petition signed by lots of people that I'd like
14 to have him present of people that say the noise is not
15 bothering them. Now, and that they like the
16 restaurant. There's, I think he told me, eleven local
17 residents of the neighborhood that signed that
18 petition.

19 ATTORNEY SCOTT: (Undecipherable) how many
20 from the local neighborhood signed?

21 DWIGHT THOMEY: Eleven I think he said.

22 ATTORNEY SCOTT: Okay, and did they include
23 their address?

24 DWIGHT THOMEY: Yeah.

25 ATTORNEY SCOTT: There's eleven, okay.

1 DWIGHT THOMEY: I think I told him to
2 highlight that on the petition.

3 ATTORNEY SCOTT: All right I'm going to give
4 this to Robin.

5 DWIGHT THOMEY: We just wanted to make you
6 aware of the fact that not everybody in the
7 neighborhood thinks it's too loud.

8 ATTORNEY SCOTT: Mark this exhibit.

9 DWIGHT THOMEY: For what it's worth, we just
10 wanted to make you aware.

11 CHAIRMAN MILLER: Okay.

12 DWIGHT THOMEY: Do you want us to back off so
13 people can come up or how do you want to - -

14 CHAIRMAN MILLER: We're not done.

15 DWIGHT THOMEY: Okay.

16 ATTORNEY SCOTT: They were just my comments.

17 CHAIRMAN MILLER: That was his comments. Mr.
18 Bragg?

19 MR. BRAGG: Yes sir.

20 CHAIRMAN MILLER: Who certified your people
21 on the use of the instrument?

22 MR. BRAGG: On the use of the instrument?

23 CHAIRMAN MILLER: Who certified it?

24 MR. BRAGG: That was done online. I took
25 that and that was done online.

1 CHAIRMAN MILLER: So it wasn't an in person
2 consultant?

3 MR. BRAGG: No sir.

4 CHAIRMAN MILLER: Okay. You buy it and then
5 you go online.

6 MR. BRAGG: Correct.

7 CHAIRMAN MILLER: They teach how to - -

8 MR. BRAGG: You see the training, the decibel
9 - - the calibration, how to use the calibrator.

10 CHAIRMAN MILLER: Okay.

11 MR. BRAGG: Yes sir.

12 CHAIRMAN MILLER: Mr. Thomey?

13 DWIGHT THOMEY: Yes.

14 CHAIRMAN MILLER: If in the State environment
15 policies, if you violate the 65 what's to be done?

16 DWIGHT THOMEY: Actually you can be fined if
17 you violate the 65, the State could fine you or the
18 local government could fine, either one.

19 CHAIRMAN MILLER: Up to what amount?

20 DWIGHT THOMEY: I think up to \$10,000.00 per
21 incident as I recall, it's fairly significant.

22 CHAIRMAN MILLER: Okay, just asking.

23 DWIGHT THOMEY: Yeah.

24 CHAIRMAN MILLER: There is a 65 on there.

25 DWIGHT THOMEY: Yes.

1 CHAIRMAN MILLER: Thank you. Okay, Mr.

2 Chiominto?

3 COMMISSIONER CHIOMINTO: Not right now.

4 CHAIRMAN MILLER: Ms. Ortt?

5 COMMISSIONER ORTT: Not at this time.

6 CHAIRMAN MILLER: Okay. I would think that
7 most likely, Mr. Thomey, you should stay up here.

8 DWIGHT THOMEY: Okay.

9 CHAIRMAN MILLER: Because you're entitled to
10 cross examine witnesses after they testify.

11 DWIGHT THOMEY: All right, you want me to
12 have my clients step back in the front row there?

13 CHAIRMAN MILLER: Yes.

14 DWIGHT THOMEY: I don't know that I'm going
15 to want to cross examine anyone.

16 ATTORNEY SCOTT: That's all right but why
17 don't you sit at the end and then - -

18 DWIGHT THOMEY: Okay.

19 ATTORNEY SCOTT: Don't make faces at them or
20 anything. (Laughter)

21 DWIGHT THOMEY: I'll try not to.

22 ATTORNEY SCOTT: While they are doing that
23 I'd like to clarify for the chair based on the State
24 regulation, our local law enforcement are allowed to
25 enforce the State law. It's rarely done. We attempted

1 to do noise regulations this past year in the counsel
2 and so, but right now I believe the local law
3 enforcement has the State law or if it's within a
4 municipality then they can file municipality rules in
5 terms of noise violations past certain time.

6 CHAIRMAN MILLER: Okay. Thank you.

7 ATTORNEY SCOTT: Yep, you're welcome.

8 CHAIRMAN MILLER: And who is the speaker for
9 the petition? (No verbal response) Please come
10 forward, sir.

11 ATTORNEY SCOTT: Any seat you'd like, just
12 introduce yourself, tell us who you are and where you
13 live.

14 JOE MELWARD: Good morning, how are you
15 doing?

16 CHAIRMAN MILLER: Fine sir, and you?

17 JOE MELWARD: Okay, my name is Joe Melward, I
18 am the current president of Wood Crest Shores Community
19 Association and I want to start this off by basically
20 saying that I have lived at Wood Crest Shores on Plum
21 Point Road for twenty-two years and during that time
22 there have been many restaurants, one marina come and
23 go down on that point. I have been a patron of every
24 restaurant there. I have used the marina on multiple
25 occasions and am a boat owner. I do not know Mr. Bragg

1 and I really don't have any issues with the owners of
2 the property except that we do have a serious noise and
3 safety violation which is why I'm here.

4 The County Ordinance has already been read,
5 basically the peace and tranquility issue. What we are
6 saying is, "I'm going to address community concerns
7 regarding the excessive noise and the bands hired by
8 Unwined on the Water, and the safety issues regarding
9 speeding and erratic driving to and from that said
10 establishment. This is the second year that the
11 residents of Wood Crest Shores and Crescent Lane have
12 endured the increasing volume of noise and traffic
13 coming from Unwined on the Water and the marina area.
14 We have consulted out County Counsel person, called the
15 police, contacted County Roads Administration. We have
16 asked for speed bumps, that was denied on two occasions
17 and we have contacted the County Liquor Board. We are
18 finally at a hearing here, hopefully to get some kind
19 of relief.

20 We'll add one more to the complaint that comes
21 from this, we have - - Wood Crest Shores has a small
22 park and launching ramp right next to the marina and
23 restaurant, it's about a 1/3 of an acre plus or minus
24 and we have a little parking lot that's maybe seventy
25 or eighty yards up the road from that, Plum Point Road.

1 I'm saying that because there have been several
2 occasions where patrons of Unwined on the Water and or
3 the marina have been found using our land to park on
4 without any kind of permission, and they do that
5 because there's not enough parking in the marina
6 parking lot or the restaurant parking lot. Boat owners
7 that launch on weekends, boat owners that launch from
8 Triton Marina are not allowed to park on their
9 property. I know this because I've done it. They say
10 that you cannot park on marina property because there's
11 no room to park there because of parking spaces needed
12 for the bar and restaurant. We are told to "Go park
13 somewhere else." "Somewhere else" is Wood Crest
14 Shore's property, there's no other place to go. So, we
15 end up having trespassers on our property because of
16 this. They can't even park on their own property. We
17 have signs posted that "Trespassers will be towed," and
18 we've been pretty patient. We've put written warnings
19 on the vehicles saying, "Please don't park here, this
20 is private property," but they still do. So, we've not
21 had anybody towed this year at all from that.

22 We're going to do some presentations that will
23 show that Unwined on the Water is indeed disturbing the
24 peace and compromising the safety of the neighborhood
25 in which it operates by promoting the illegal trespass,

1 which I just talked to you about, creating a source of
2 excessive noise. We have fifty-one individuals signing
3 a petition complaining of that area and causing or
4 intending to cause an unsafe traffic condition. We
5 have had residents, and some of them are here, who have
6 been forced off the road when they walk down Plum Point
7 Road, we have a lot of walkers in the neighborhood,
8 it's a big thing, and golf carts, you know, that sort
9 of stuff and they've been forced off the roads. We
10 have residents who have asked people to slow down and
11 been given the finger as they're going past. We've had
12 erratic driving going through yards and when we put i[
13 signs that asked people to slow down, the first week we
14 put the signs up, that worked, the second week we had
15 four of them that were stolen or run over on private
16 property. We have a power point presentation.

17 CHAIRMAN MILLER: Mr. Melward, before we go
18 into that, and I'm very interested, what do the police
19 tell you?

20 MR. MELWARD: The police have been - - I've
21 called the police twice this year and the Sheriff's
22 Department has showed up at my house twice, once for
23 two motorcycles coming up from that area drag racing
24 down Plum Point Road and I called the police, and of
25 course by the time they got there the motorcycles were

1 gone. He did take a statement and the other time they
2 came in was because of erratic driving and people being
3 forced off the road. I got a complaint from that,
4 called the Sheriff's Office. Both times we had a
5 deputy respond, nobody doing it at that time and I have
6 offered them - - I mean, I've even offered them they
7 can sit in my driveway if they want to do that. I'll
8 supply coffee and whatever else they want. I'm easy.
9 So, we had a radar trap there last year, last fall, and
10 that did slow the traffic down but it was an obvious
11 radar trap. You're coming down a road and there's the
12 police car. So, people slowed down both directions
13 coming that direction.

14 We asked for the County Roads to put in the what's
15 that, radar? That little trailer that has the radar
16 thing on it, the speed, we've had that both last fall
17 and this summer for two weeks and we have data from
18 that and I'll get into that as we go but it does show
19 that there is much more speeding coming up from the
20 marina/Restaurant area than there is going into it.
21 So, we have documented that up to 63% of people leaving
22 that area during that week were speeding on Plum Point
23 Road. So that we do have proof of excessive speeding
24 coming and it's not their problem that people speed, it
25 is there problem that people drink and speed. So, we

1 have issues in regard to those areas. Any other
2 questions?

3 CHAIRMAN MILLER: No sir. You want to start
4 in your presentation.

5 MR. MELWARD: Okay. What we're seeing here
6 is the same rule of law that was done before. We're
7 trying to eliminate excessive noise in our neighborhood
8 and again, as I said I've been there twenty-two years,
9 never had an issue with other bands or other owners.
10 This is new. Next please.

11 ATTORNEY SCOTT: I will do that.

12 MR. MELWARD: This is a map. If you look on
13 the far right middle, that's where the bandstand is and
14 you'll see the distances coming out from that I have
15 kind of a key over there as to where they're going.
16 The stars on the map are actual people - - residences
17 where - - who signed the complaint of excessive noise
18 and I believe there are thirty-eight or thirty-nine
19 individual stars there and that represents thirty-eight
20 or thirty-nine individual residences, maybe both the
21 husband and wife signed so which you have fifty-one
22 from thirty-eight, you have some people in some houses
23 that both signed. Okay?

24 This is one that shows changes since 2020, there's
25 been a lot of development, a lot of building going on

1 at the marina and restaurant area, which is actually
2 very good for business in the area. I don't have any
3 argument with that but want to show you that everything
4 was done in a progressively incremental change. So, by
5 the time they asked for the liquor license to the time
6 of now, the situation is very different there. It's
7 not what it was two/three years ago and the little
8 caption there is, "You know if you put a frog in cold
9 water and slowly heat it he doesn't mind being cooked."

10 Next please. We have two tiki bars there now.
11 We have the Liquor Lodge and the Booze Barn, that's
12 kind of interesting, and the small print at the bottom
13 there, it's hard to read but it's basically outdoor
14 tiki bar type/outdoor drinking and that sort of thing.
15 Next please. And this is the new bandstand enclosed
16 with a roof now and it faces, as we saw in the map,
17 directly up into the neighborhood. Next please. This
18 is the advertisement from 2020, it's even larger now
19 and there's a huge number of bands that come in and
20 they begin on Thursday evening, Friday, Saturday,
21 Sunday all day. So, we have four days a week that we
22 have this noise. It's not just like on a Saturday
23 night or something like that.

24 Okay. Next please. And again, it's not everybody.
25 There are times when the bands play at reasonable

1 levels, it does increase after 8:00 P.M. and then at
2 9:00 you have inconsistent volume across bands and I'm
3 not sure if they bring their own sound equipment or if
4 there is one at the restaurant. I don't know that.
5 Local neighborhood complaints are mostly not across the
6 water. The wind can carry sound too but all decibel
7 readings do indicate volume intensity and can be
8 helpful, they are not relevant to the ordinance. The
9 ordinance indicates whether or not we are having
10 difficulty with the sound.

11 Your outside music started March 18th, it goes
12 from Spring until weather permits, probably around
13 seven months, okay, and the restaurant calendar shows
14 occasional Wednesdays and I think there's one they even
15 had on a Monday for some event. Next please.

16 CHAIRMAN MILLER: Mr. Melward?

17 MR. MELWARD: Yes.

18 CHAIRMAN MILLER: How often does it go til
19 10:45?

20 MR. MELWARD: Rarely. My back deck faces
21 that direction and I can go out there anytime and I
22 live 7/10ths of a mile away from the - - I can go out
23 on my pool deck and tell you exactly when they shut off
24 because I can hear it just fine.

25 CHAIRMAN MILLER: Okay, thank you.

1 MR. MELWARD: Sometimes it goes pass 10:00,
2 not often. I think it has gone as far as 10:46 I think
3 was the worst one. It says 47% of inbound drivers are
4 speeding and 63% from 12 Noon to 11:59, that's
5 outbound. That should have said "outbound," the
6 outbound is the 63%, the inbound is 47%.

7 Now, peace and tranquility, these are quotes from
8 residents, we have one person who says, "I can't sleep
9 in my own bed at night due to the music," by the way
10 that lady, Mrs. Spear, this Summer they sold their
11 house and moved away cause they couldn't deal with it
12 anymore. We have here, "Been here for forty years,
13 restaurants come and go, it's never come close to being
14 this loud. Used to be in the past only during holidays
15 now it's every week." And one person even says, "He
16 lives on the other side of Oldfield Point Road, which
17 is almost a mile away, that they can hear it also and
18 it becomes a problem." "My house vibrates after 8:00
19 P.M.," and this is a person on Cresent Lane, "When the
20 band was playing we could occasionally hear next door
21 neighbors laughing with friends at less than a hundred
22 feet away and the restaurant is over a quarter of a
23 mile away and they can hear the restaurant as well as
24 the people talking." "It's ten o'clock and I can still
25 hear music - - I can hear music clearly in my bedroom

1 with my windows closed. This is unacceptable," and
2 this is about a third of a mile away. "Windows were
3 vibrating so strongly at 10:00 P.M. the dogs were
4 barking from the sound and why is an outdoor concert
5 been approved for location in the middle of a
6 neighborhood?," and that's an individual who lives
7 about a 1/4 mile away. "I thought that the music was
8 from our neighbors, not the restaurant down at the
9 water." That person actually thought the noise was
10 closer than it was. "I can't enjoy my music at a
11 reasonable level because the restaurant music steps all
12 over my listening." It's becoming an invasion of
13 privacy and again, from my own testimony, from my own
14 thing getting into this, I live .7 miles away. I can
15 sit on my back deck anytime from Thursday evening
16 through Sunday evening and listen to these bands, okay?
17 The people living closer to it are really having a
18 rough time. Next please.

19 Traffic volume has gone up, County Roads put in
20 their radar sign thing and it has measured the number
21 of cars and vehicles going inbound and outbound and
22 they increase dramatically, almost double on the nights
23 when the bands are playing. That's not a surprise, the
24 reason why they have the bands is there to attract
25 people and they do. The issue for us is is that

1 they're speeding while walking on Plum Point Road
2 during peak restaurant hours is not advised, again my
3 own wife has told me she's been forced off the road
4 several times. "Cars don't stop before they drive out
5 of the restaurant, they just zip out," this is from the
6 guy living across the street. "After a near miss by a
7 speeding Durango pulling into the restaurant somebody's
8 going to get killed," also a person that lived down
9 there, she's move. "Parking along the road next to the
10 county's "No parking" signs," that happens a lot too,
11 not only on our property but on the county road right
12 next to the marina property people park there with
13 their boat trailers because they're not allowed to park
14 on marina property. And we have some backup charts for
15 all this too. Next please.

16 The restaurant and police have been called by
17 various neighborhood families from 2020, 2021 and this
18 year too to complain of the noise. I'm not sure how
19 many, some people have said to up to over fifty.
20 Historically noise complaints from establishments
21 serving alcohol reported to the Alcohol Control Board,
22 apparently these calls were not reported to the Alcohol
23 Control Board in the past they were complaints to
24 police that didn't get to you guys. "Police were able
25 to come twice with one resulting from a call from my,"

1 that's myself, to the Sheriff's Office and that was in
2 2021 and 2022, this year also. Many families have
3 given up due to lack of responsiveness and
4 enforceability of the standard for police to address
5 the loud noise. A recent call to the Cecil County
6 Sheriff's Office resulted in resistance from the
7 Sergeant calling who said that the criminal complaint
8 was required for info to be documented and that the
9 Sheriff's Office was unable to enforce the State law
10 due to lack of training. I don't know how much
11 training you need to read a decibel meter, I'm not
12 aware of that.

13 Sometimes when the restaurant was called the
14 restaurant staff could not hear the caller due to the
15 loud onsite music. Sometimes Mr. Bragg did answer,
16 sometimes the restaurant just hung up. Now, there was
17 a meeting on April 21st with Mr. Bragg and eight
18 neighbors, I was not at that meeting, resulting in a
19 good outcome and an email to current bands at the time
20 to lower the sound levels. That did happen, Mr. Bragg
21 was correct when he testified to that. Text of the
22 neighbor are recorded and there are some backup charts
23 about the neighbor recording her conversations with Mr.
24 Bragg. Next please.

25 After it became known that a formal complaint was

1 filed with Liquor Control Board by the residents of 8
2 Crescent Lane, who later ended up selling their house,
3 that's the person who's moved out. We know about the
4 Liquor Control Board oversight for a year and did not
5 take this path lightly. "It was our hope that Mr.
6 Bragg would work with the neighborhood and that the
7 police involvement might motivate Mr. Bragg to being a
8 good neighbor. After 2022 started off loud with
9 building expansion and virtual advertising for the
10 restaurant, with the reported sanitation issues we
11 agreed blatant disregard for the neighborhood and the
12 county ordinance merited this petition to formally
13 bring the attention to the governing authorities.
14 That's why we did it." Next please.

15 We put out these signs that says, "Drive like your
16 kids live here." We had asked the County Roads if they
17 would put in additional traffic speed limit signs. We
18 have one coming into the development that says, "25
19 miles an hour," and one leaving the development that
20 says, "25 miles an hour," but that's it. So, we
21 decided - - and we asked for more, didn't get that, so
22 we put out some of our own and this is what we
23 currently have along there. On July 16th incited the
24 band to, "Play louder to show the neighborhood," - -
25 and this is from testimony, okay, "What loud really is

1 and support their petition." We have two eye witnesses
2 to that. That night vehicles leaving the restaurant
3 revved engines and sounded horns to the top of Plum
4 Point hill, this behavior continues intermittently.
5 Next please. Possible solutions, we would like for the
6 restaurant to possibly bring in inside the music if
7 they're going to play that loud, somehow consistency
8 needs to be there with the sound equipment. I'm
9 thinking the bands bring their own. We're trying to
10 find different ways to get the peace and tranquility.
11 You can read this. Oversight is problematic when each
12 band brings their own system, I guess that's it then.
13 A compromise might be managed music outside before 6:00
14 P.M. and inside after 6:00 P.M. Our issue's also with,
15 and I'm not going to say "Drunken Driving," cause I
16 haven't stopped anybody, I'm not a police officer, but
17 when you have cars leaving that area and they're
18 driving erratically, they're speeding, they're weaving
19 in and out, they're blowing their horns, that kind of
20 stuff, these are not what I would consider possibly
21 really stone sober individuals. So, we have asked the
22 Sheriff's Office to set up a sobriety checkpoint.

23 We've asked them to set up speed traps. We had
24 one speed trap last year, we've had nothing this year
25 and I've talked with the Sheriff's Office and they say

1 that "They are understaffed and there's other problems
2 in the county," and I get that. They're probably
3 several officers down but we would like to have them
4 show up on occasion and it doesn't have to be regular,
5 I mean, just drive through.

6 COMMISSIONER CHIOMINTO: Mr. Melward, I have
7 a question. You said they did a speed enforcement. Do
8 you know if there was any citations issued?

9 MR. MELWARD: There were not citations. There
10 were no citations. I don't know if you're familiar
11 with Plum Point Road.

12 COMMISSIONER CHIOMINTO: Uh huh.

13 MR. MELWARD: After the first couple of
14 houses it's kind of really clear and straight til it
15 goes down the hill and the speed trap was right in the
16 middle of the clearing area, so once you get onto Plum
17 Point Road, come up that little rise you can see
18 straight down that there's a police car sitting there
19 and it's the same the other way. As soon as you come
20 over the hill you can see it right there.

21 COMMISSIONER CHIOMINTO: Okay, thank you.

22 MR. MELWARD: So, everybody's hitting the
23 brakes as soon as they see it, and that's good, I'm
24 glad they slowed down but there were no citations that
25 I'm aware of. And we would like to see the marina put

1 up it's own stop sign at their entrance when people are
2 coming outbound so that they just don't whip onto Plum
3 Point Road. Someone's going to get run over and
4 there's a lot of people around there and people just
5 coming out and going is a problem. I've asked for a
6 speed trap and sobriety test point for this coming
7 weekend, being that it's a holiday weekend, and I have
8 not received any word back that that will happen.

9 COMMISSIONER CHIOMINTO: Who did you speak
10 with?

11 MR. MELWARD: Excuse me?

12 COMMISSIONER CHIOMINTO: Who did you speak
13 with?

14 MR. MELWARD: I sent an email directly to
15 Sheriff Adams.

16 COMMISSIONER CHIOMINTO: Okay, thank you.

17 MR. MELWARD: Next please. This is the same
18 regulation, we don't have to go over this any further.
19 It's not the same as boat motor noise, we hear that
20 too, okay? When you're around a marina you expect boat
21 motor noise, it would be silly not to. We don't get
22 upset about an occasional loud truck coming through or
23 even the trash truck coming in at four o'clock in the
24 morning with it's back up beeping going on. No one
25 complains about that because it happens rarely. This

1 is four days a week, every week. Okay, next please.

2 These are some sound things you guys can activate
3 and it will show you, this is .3 miles away and it's
4 not coming up. (Issue with presentation) And a lot of
5 these were taken not with a specific microphone, these
6 were taken on your central I-phone type. (Pause while
7 trying to get audio to work) These are from .3 miles
8 away. I'm going to give you one that's on my - - I
9 don't want to do this all day. I'm going to hit you
10 with this one, this is - - I don't know if you can hear
11 this or not. (Scratchy audio noise) So, the I-Phone's
12 not real good at recording this stuff. Those are
13 decibel readings a 1/3 of a mile away.

14 CHIEF BRADFORD: Which one do you want us to
15 try?

16 MR. MELWARD: Which ever one you can get
17 going.

18 CHIEF BRADFORD: Seven.
19 (Undecipherable audio)

20 CHIEF BRADFORD: I don't see a chart seven.

21 UNIDENTIFIED MALE: I don't think they're
22 numbered.

23 CHIEF BRADFORD: Page eighteen, do you want
24 us to go to page seven?

25 MR. MELWARD: Page seven.

1 MR. MELWARD: I apologize for my lack of
2 technical expertise on this.

3 (Undecipherable audio)

4 CHIEF BRADFORD: Yeah, we're all the way up.

5 UNIDENTIFIED MALE: Go back to eighteen.

6 ATTORNEY SCOTT: We will listen to the - -

7 MR. MELWARD: Yeah, if you guys get a chance
8 to listen to this that would be great. Okay, number
9 nineteen please, next one. There it is. I only put
10 this in because, you know, people argue about decibels
11 and that sort of thing but it's been shown in several
12 studies in different countries that loud music promotes
13 alcohol consumption and the louder it is and the more
14 excitable it is, the more alcohol is consumed. This is
15 not new news, this is something that goes back but it
16 has been studied and it has been published in
17 scientific journals. You can read that yourself. So,
18 the louder it is, the more you drink, that's what it
19 comes down to. Next please.

20 We've already gone over part of that. This is
21 your (undecipherable) when you have decibel readings
22 over a 1/4 mile away that are in that same vicinity it
23 pretty much at point of source it has to be higher,
24 trees don't amplify it. Next please.

25 In the inconsistencies in time what's important

1 about this is that there are quotations here from Mr.
2 Bragg, and again I don't know him, I did not get these,
3 these are from people who did meet with him. Eight
4 local neighbors comments by Mr. Bragg; "We told him
5 music is supposed to stop at 10:00." He said, "He can
6 play it as long as he wants, no regulations." He said,
7 "He's playing until 10:00 to be neighborly." On June
8 12, 2020 texts between Deanna Spear, "Supposed to stop
9 at 10:00 and is louder than permitted." Mr. Bragg
10 response, "Sound ordinance is 11:00. We never have
11 music after 11:00." From Mr. Bragg again, "The time
12 doesn't really matter if we are under decibel levels.
13 I use 11:00 as a guide to be neighborly." As a member
14 of a team working on the recent noise ordinance Mr.
15 Bragg sent a response to the Cecil County Counsel
16 relating to a veto by the County Executive in late June
17 2022 that directed relays, General intent of this
18 business plan, "After very careful consideration and
19 deliberation I have made the decision that restrictions
20 to the use of residential as well as business property
21 in regards to noise, it's not in anyone's best
22 interest. Restrictions would bind the homeowners who
23 want to use their property for private events. It
24 would also restrict business from realizing it's full
25 potential, weddings, graduations, private parties,

1 music and other events could be restricted by these new
2 laws." It's pretty clear that Mr. Bragg is not worried
3 too much about what the neighbors - -

4 CHAIRMAN MILLER: Mr. Melward?

5 MR. MELWARD: Yes.

6 CHAIRMAN MILLER: On April 21, 2021 in the
7 earlier presentation you said that eight neighbors met
8 with Mr. Bragg and had a good outcome.

9 MR. MELWARD: That's correct.

10 CHAIRMAN MILLER: And here it says, "On April
11 21, 2021 it didn't turn out so good."

12 MR. MELWARD: I didn't hear you.

13 CHAIRMAN MILLER: Which is correct? It said,
14 "It didn't turn out so good."

15 MR. MELWARD: Well, the meeting turned out
16 well.

17 (People trying to talk over each other)

18 ATTORNEY SCOTT: Hold on, one at a time. Hold
19 on, hold on. If you want to testify, you come up and
20 sit at the table otherwise - -

21 MR. MELWARD: The meeting initially I think
22 everybody felt it turned out pretty well.

23 CHAIRMAN MILLER: Okay.

24 MR. MELWARD: The result afterwards indicted
25 that maybe it did not. I think there's a time shift

1 there. I was not at the meeting sir, so I'm not sure
2 how that went but the minutes of the meeting are
3 included in these. So, you'll be able to see them for
4 yourself. Next please.

5 We did a traffic study. I already talked about
6 that, about excessive speed outbound, coming up over
7 that hill where the little radar trailer thing was.
8 They come up over the hill from the marina area and
9 they run into that radar thing that tells them what,
10 you know, so it reports from that. So, you had 63%
11 coming up outbound in excess of speed. And again, you
12 know, if County Roads can't stop anybody from speeding,
13 that's the Sheriff's Department. Next please.

14 These, they're pretty hard to read, these are our-
15 - and you can read them at your own leisure. I can
16 probably go through some of them. What they are is
17 text conversations between one of our neighbors and Mr.
18 Bragg.

19 MR. MELWARD: I think we're probably not
20 going to be able to read those right now. You can read
21 them at your own leisure if you don't mind. The text
22 is pretty small for me to read. My glasses and my age
23 don't allow me to do that right at this minute. Is
24 that okay if we move on or - -

25 ATTORNEY SCOTT: Yeah, you can move on.

1 CHAIRMAN MILLER: Sure, yes.

2 MR. MELWARD: Next please. Okay, this is the
3 meeting that was discussed on April 21st and these are
4 the people who were there. And what it says is, "We
5 told John that music had gotten louder since he moved
6 the stage under the tree. We asked him to move it so
7 it isn't facing any houses, facing the water towards
8 Elkton." He said, "It's not part of his plan." He
9 said, "The house backs up to North East - - He said
10 that, "His house backs up to North East High School's
11 football field and he tolerates that so we should
12 tolerate his music." Gary told John, "He bought his
13 house after the field and there was - - there was not
14 even a restaurant there at the time, residents bought
15 their properties and no outside when the rest bought
16 their other properties." I'm sorry for this. We told
17 him, "The music is supposed to stop at 10:00." He
18 said, "He can play as long as he wants, no regulations.
19 He's playing until 10:00 to be neighborly." John said
20 he, "Would tell the bands to lower their volume," and
21 the next day he emailed the bands to tell them to lower
22 their volume so that they were - - and that they were
23 playing in a stadium." So, that's when we said, "The
24 result of the meeting seemed to be favorable." And
25 again we have actual texts from neighbors and Mr. Bragg

1 and that's the same, that's actually the same minute
2 meeting. That's too small for me to read currently.
3 Next please.

4 This is, "Update change and mode of operation of
5 September 29, 2021," and this was to, I guess, the
6 Liquor Board here and you guys have that, I'm sure.
7 They approved the change of mode of operation because
8 there had bee no complaints. Actually, there had been
9 no complaints to the Liquor Board, that is true, there
10 were complaints, several of them to the Sheriff's
11 Office for excessive noise and speeding. Prior to that
12 I guess it never got to you. So, that's what we have.
13 Next please.

14 CHAIRMAN MILLER: Mr. Melward, our meetings
15 and what we're meeting on is always advertised in the
16 Cecil Whig.

17 MR. MELWARD: Okay.

18 CHAIRMAN MILLER: And I was wondering if none
19 of the residents saw what was happening and what was
20 coming in?

21 MR. MELWARD: We didn't, possibly not, I
22 don't know.

23 CHAIRMAN MILLER: Okay.

24 MR. MELWARD: We didn't consider a complaint
25 to the Liquor Board until somewhat down the line

1 because the issue to us was there was a disturbing the
2 peace situation. We thought the Sheriff's Office
3 should be involved in that. There was speeding issues,
4 we thought the Sheriff's Office should be involved in
5 that. We thought the County Roads would try to help us
6 by putting in temporary speed bumps. We tried those
7 avenues first and then it hit upon us that we would
8 contact the Liquor Board.

9 CHAIRMAN MILLER: Okay.

10 MR. MELWARD: So, that's how that went.
11 Probably should have talked to you all long before
12 that. That's the last one.

13 CHAIRMAN MILLER: Okay.

14 MR. MELWARD: Any questions?

15 ATTORNEY SCOTT: That was very thorough,
16 thank you.

17 CHAIRMAN MILLER: Very thorough, thank you.
18 Mr. Thomey?

19 ATTORNEY SCOTT: Does Mr. Thomey have
20 questions for - -

21 CHAIRMAN MILLER: That's what I'm asking. Do
22 you have questions?

23 DWIGHT THOMEY: I have no questions Mr.
24 Miller. I don't have any questions.

25 CHAIRMAN MILLER: You can do your rebuttal

1 after we hear - -

2 ATTORNEY SCOTT: Hold on. Does any of the
3 Board members have any questions at this time.

4 COMMISSIONER CHIOMINTO: I do. Prior to it
5 becoming Unwined, were there any traffic issues
6 involving Enzo's alcohol? Marina alcohol?

7 MR. MELWARD: Rarely. The previous
8 restaurants that I can remember because I live along
9 that road, we had one maybe, I'm going to guess six
10 years ago, where we had an individual coming up from
11 there who was so drunk she ran through a telephone pole
12 and a couple of those boxes that the cable companies
13 use for cable t.v. Wiped a couple of those out and my
14 mailbox and several others, kind of took them all down
15 the line and other than that- -

16 ATTORNEY SCOTT: Is there any difference
17 between prior restaurants and the current restaurant?

18 MR. MELWARD: Prior restaurants the speeding
19 was limited and I'll say that because there wasn't as
20 much activity going on. In other words, we have
21 Thursday, Friday, Saturday, Sunday with the current
22 situation and before that maybe they'd have a band
23 Saturday, maybe there'd be a thing going on during the
24 holidays. So, it was somewhat reduced. We've had
25 speeding on that road since I've been there and we've

1 asked people to slow down. We have several residents
2 who are not shy and will yell at speeders to slow down
3 but in the last couple of years it's just become almost
4 unmanageable.

5 COMMISSIONER CHIOMINTO: And it just seems on
6 weekends are the biggest, Friday, Saturday and Sunday?

7 MR. MELWARD: Oh yeah. The traffic studies,
8 and I can send you copies of those, the traffic studies
9 and it's just a two week snapshot, understand that,
10 traffic studies show outbound in the morning there's
11 almost no speeding and it's mostly, I'm guessing,
12 people going to work, I don't know. There is, if you
13 do the whole day, I did a chart of it and I should have
14 given it to you, I can do it, where you can see your
15 Monday, Tuesday, Wednesday, the traffics like this at a
16 slower speed. Thursday it comes up, Friday, Saturday,
17 Sunday and then back down to Monday.

18 COMMISSIONER CHIOMINTO: And that was
19 provided by the County?

20 MR. MELWARD: Yes, County Roads.

21 COMMISSIONER CHIOMINTO: And they're
22 calculation 63% increase in speed, is that anything
23 over one mile an hour?

24 MR. MELWARD: You can do it in increments.
25 They do it in increments of miles per hour but it's - -

1 you have up to the speed limit, which is 25, then you
2 have from 26 to 30, 30 to 40, 40 to 50, they do it in
3 increments.

4 COMMISSIONER CHIOMINTO: Okay.

5 MR. MELWARD: And obviously the 26 to 30 is a
6 larger one. Then you have your 30 to 40 is a large
7 chunk and then after that it gets very small. There
8 are very few people who are recorded at going over
9 45/50 miles an hour down there.

10 COMMISSIONER CHIOMINTO: Okay, thank you.

11 CHAIRMAN MILLER: Ms. Ortt?

12 COMMISSIONER ORTT: I have a question. I'm
13 looking at your chart, well not your chart, your page
14 that says, "Restaurant changes," before April 2020 you
15 say, "It's just a small restaurant with one indoor
16 bar." The previous restaurants were smaller?

17 MR. MELWARD: The house is the same, okay.
18 The restaurants have - - under Unwined have expanded.
19 There's like a veranda out back and a deck that comes
20 across to the side.

21 COMMISSIONER ORTT: Uh huh.

22 MR. MELWARD: In previous restaurants that
23 was extremely small, they had a small deck out back and
24 then for awhile it was enclosed with like a plastic
25 enclosure for the wintertime with heaters and now that

1 is enclosed and it is moved out around.

2 COMMISSIONER ORTT: And in previous
3 restaurants had inside music and some occasionally
4 outside music?

5 MR. MELWARD: Yes, to my knowledge that is
6 correct. To my experience that is correct.

7 COMMISSIONER ORTT: So, the outside music in
8 the previous restaurants, where was that held? What's
9 different now?

10 MR. MELWARD: The difference is there's no
11 bandstand - - there was no bandstand - - now there is -
12 - it's like an enclosed deck where the bands play,
13 which is nicer for the bands. It keeps them out of the
14 weather so to speak, uh, but before that the bands
15 either played inside the restaurant or on the deck. I
16 can remember going down there myself and there was at
17 that time an acoustic band so their noise was
18 irrelevant, down there playing and they were where you
19 go out the back door of the restaurant itself there was
20 a deck there with an enclosure, they were on the far
21 left corner of the deck, and they had them there and
22 there's been weddings down there where the bands have
23 been out on the grass, that sort of thing and that
24 doesn't bother anybody. That's, you know, good for
25 them. But what we're dealing with now is four nights a

1 week very loud until 10:00 or shortly after 10:00 and
2 sometimes on the weekends they start at 1:00. Two
3 bands come in, you'll have a band from 1:00 to 4:00,
4 uh, from 1:00 to 6:00 and then from 6:00 to 10:00. So,
5 and I have their schedule on here but it's a lot.

6 ATTORNEY SCOTT: I don't want to just to
7 continue the same complaint over.

8 CHAIRMAN MILLER: Right. So, thank you Mr.
9 Melward.

10 MR. MELWARD: We're good

11 COMMISSIONER CHIOMINTO: Mr. Thomey, I have a
12 quick question. This structure, Planning and Zoning
13 approved these, did they have to go before the Board?

14 UNIDENTIFIED MALE: Yeah, all structures have
15 been through (undecipherable- not near the microphone)
16 decrease the number of seats because we have picnic
17 tables that sat more than the number of people that
18 would sit around the tiki bar. Planning and Zoning
19 (undecipherable) and size of the property hasn't
20 changed (undecipherable) size has not changed, it's
21 just been (undecipherable) something that people enjoy
22 coming to. (Undecipherable) fire pits,
23 (undecipherable) sand box (undecipherable not near a
24 microphone).

25 CHAIRMAN MILLER: Eleven live there. Eleven

1 live there but - -

2 MR. MELWARD: I would like to address that
3 little piece of it if I could. I'm not trying to get
4 into a contest with Mr. Bragg on this. The fact that
5 he had 1,100 people that his restaurant say, "Hey we
6 like the restaurant," good for him. I'm not trying to
7 get into a popularity contest in that area. We do have
8 fifty-one individuals who live in that area who said
9 this is out of hand.

10 CHAIRMAN MILLER: Yes, Mr. Melward, thank you
11 very much. We're going to move forward. Jen Padgett.

12 ROBIN TRADER: No, she's with the Health
13 Department, that's for later.

14 CHAIRMAN MILLER: That's what?

15 ROBIN TRADER: She's with the Health
16 Department, that's later. That's not this.

17 CHAIRMAN MILLER: Oh, that's not this one?
18 Okay. John Taylor.

19 ATTORNEY SCOTT: Please try to - -

20 CHAIRMAN MILLER: Plum Street Road.

21 ATTORNEY SCOTT: Please try to limit comments
22 moving forward to anything that is different from what
23 has already been testified to.

24 CHAIRMAN MILLER: Anything that's been
25 covered, we don't need repetition.

1 JOHN TAYLOR: I'm John Taylor and I am the
2 secretary of the H.O.A. I'll speak very quickly. Mr.
3 Miller, thank you very much for making this hearing
4 possible today. I assume the Commissioners will review
5 the provided materials in detail. There's a lot of
6 information that Joe was able to provide but not, you
7 know, to go into picky parts, also you can get a soft
8 copy hopefully with the soundbytes and it's an eye
9 opener. They were recorded with an I-Phone, I-Phone is
10 not a good recording device and if you can hear, you
11 know, the strength in that that's an eye opener. So,
12 Mr. Bradford, I assume that the results of the initial
13 complaint and (undecipherable) for this hearing from
14 the previous owner of 8 Crescent Lane, Yana and Gordon
15 Spear, will be made known.

16 CHIEF BRADFORD: You want my investigation to
17 be made known?

18 CHAIRMAN MILLER: Not yet.

19 JOHN TAYLOR: Okay.

20 CHIEF BRADFORD: Okay.

21 JOHN TAYLOR: I hope that doesn't count
22 against my time. Most Unwined bands act like they're
23 playing at a nightclub or concert venue, boisterous and
24 indeed needlessly loud. Because of this - - because
25 this is a new business model loud music equals more

1 drinking yields good business, I assume, maybe not.
2 But with no regard to the local neighborhood and I
3 don't believe the sort of entertainment that the
4 Commissioners had in mind, I don't believe this is the
5 sort of commissions you had in mind when you approved
6 the business. It may, in fact, not be what Mr. Bragg
7 sworn to on February 26, 2020 but it has become what it
8 is, an apparent fabulous success for the business,
9 there's no doubt about that and a disaster for those
10 living close by who don't want piped in too loud music
11 after the weekend, afternoons, and evening or the
12 (undecipherable). Lewdness was not mentioned in that
13 presentation because it's gotten worse and worse. The
14 bands now seem like they're performing at the
15 Merryweather Post Pavilion. It is and was our loudest
16 Sunday ever this last Sunday and they played until 9:00
17 P.M. (Timer beeps) That's two minutes?

18 ROBIN TRADER: Yes.

19 ATTORNEY SCOTT: Okay.

20 JOHN TAYLOR: No way, that last minute just
21 went.

22 ATTORNEY SCOTT: You were on a roll.

23 JOHN TAYLOR: Okay, can I continue? I have a
24 little bit more.

25 ATTORNEY SCOTT: It's up to the chairman.

1 CHAIRMAN MILLER: If you just have a little
2 bit more since we're not really signed up except one
3 more speaker.

4 JOHN TAYLOR: Okay, so thank you very much,
5 sir. So, they were doing something that I really never
6 heard before and I had to ask my neighbor what was
7 going on. They stopped playing and used foul language
8 including the "F" word, S-H-I-T and G-D" which is
9 especially unacceptable. I could hear that clearly
10 from my back yard a 1/3 of a mile away and it was the
11 loudest Sunday ever. Normally, you know, not as bad as
12 after 8:00 and the main thing is it's 8:00 and on, it's
13 loud but it's not that annoying but from 8:00 to
14 whenever they close usually 10:15 or whatever it gets
15 louder and louder and louder and I'm thinking a couple
16 times no wind and no water, we're not across the water
17 and I noticed the wind, I won't get into atmospheric
18 stuff but it wasn't any of that. At 8:00 boom, the
19 music goes up and 9:00 it went up and I noticed it a
20 couple times. I was in my pool, there's a big clock,
21 "What was that? Why all of a sudden it increased."
22 Don't know. Maybe there's something to it. Anyway
23 this is yet another type violation, lewdness. We
24 didn't talk about that before, that's part of the
25 ordinance as well. With these progressive restaurant

1 enhancements and incredible concert venues that have
2 appeared I feel like the neighborhood is that frog,
3 invited in a comfortable soaking bath until it either
4 dies or jumps out like Gordon and Deana Spear did. To
5 the last paragraph, in short, no one here wants Unwined
6 to go out of business. I think it's a great asset.
7 Mr. Bragg's done a really good job of - - incredible
8 job of developing it at meteoric speeds but we will not
9 tolerate the disruption of the peace and tranquility of
10 our neighborhood especially during those time frames.
11 Music should be loud enough for the people who are
12 choosing to hear it and no louder. The rights of
13 property owners and residents clearly takes precedence
14 which is why the county specifically included the noise
15 clause in the ordinance. We're the local neighborhood,
16 we are asking county officials to do whatever it takes
17 to correct this violation. Solution, move the music
18 inside, that will fix the problem. As long as the big
19 bands are outside there'll be sound violations.

20 CHAIRMAN MILLER: Thank you Mr. Taylor. Mr.
21 Thomey do you have any questions?

22 DWIGHT THOMEY: No sir.

23 CHAIRMAN MILLER: Dean McWilliam Tessler from
24 the community. Good morning, sir.

25 MR. TESSLER: Yes sir, good morning Mr.

1 Chairman and Commissioners. I am speaking in support
2 of Mr. Bragg and Unwined and the benefit that they've
3 been to the greater community of the Elkton area and
4 Cecil County. My wife and I retired to the Elk Neck
5 area, we've owned homes and we've been present over the
6 past twenty years and during that time we've been going
7 to the marina and to the various establishments that
8 have been providing restaurant services there in the
9 past. It is a delight to have a successful restaurant
10 on Elk Neck. It is a delight to have an individual as
11 ethical and as entrepreneurial as Mr. Bragg is.

12 I believe that there are some rubs with the
13 community that we're hearing about today that an
14 individual like Mr. Bragg and his associates can come
15 to some kind of terms with. He is a supporter of
16 charities in Cecil County and he has developed a
17 business model which is obviously a success and should
18 not be trifled with too much to disrupt that. It will
19 detract from the benefits that he has brought to this
20 community. We are proud of him and many residents of
21 the greater Elk Neck area are very proud of what's
22 going on. I thank you.

23 ATTORNEY SCOTT: Thank you very much, sir.

24 CHAIRMAN MILLER: Thank you sir.

25 MR. TESSLER: Would you like to hear my

1 (undecipherable)

2 CHAIRMAN MILLER: Your what?

3 MR. TESSLER: My resume', as I've been a
4 community member for twenty years here, a more recent
5 retiree and previously in business I was a hospital CEO
6 in Philadelphia and in Manhattan. I've seen the good
7 and the bad, and the ugly of business practices and
8 I've seen few that matched the ethics that Mr. Bragg
9 brings to the restaurant business. Thank you for my
10 opportunity to appear.

11 COMMISSIONER CHIOMINTO: Thank you.

12 ATTORNEY SCOTT: Thank you.

13 CHAIRMAN MILLER: Mr. Thomey?

14 ATTORNEY SCOTT: He's with his side. I guess
15 you can still cross your own witness.

16 CHAIRMAN MILLER: Yeah, in case he forgot
17 something. Well that's it. Mr. Bradford?

18 CHIEF BRADFORD: Do you want to play a few of
19 my videos?

20 CHAIRMAN MILLER: I would love to.

21 CHIEF BRADFORD: Can you access that from up
22 there?

23 ROBIN TRADER: I believe so.

24 (Short pause)

25 CHIEF BRADFORD: Can everybody hear me ok if

1 I stand here and look at the listing?

2 UNIDENTIFIED MALE: Yes sir.

3 CHIEF BRADFORD: My name is Earl Bradford,
4 Chief Inspector for the Cecil County Liquor Board. The
5 first item I would like to introduce as evidence is a
6 communications list for the last two years, looks like
7 it starts 1/6/21, has a listing of seven noise
8 complaints that were called to the Maryland State
9 Police and ten noise complaints that were called to the
10 Cecil County Sheriff's Office.

11 (Loud noises)

12 ATTORNEY SCOTT: Is that the band or is that
13 feedback?

14 CHIEF BRADFORD: That's feedback.

15 ATTORNEY SCOTT: I'm a little older, I'm not
16 sure anymore.

17 (Pause)

18 CHIEF BRADFORD: While she's trying to load
19 this information on this laptop I'll also add I
20 received my first call early May of 2022, and that was
21 from Deanna Spears indicating some noise complaints in
22 the area. I did go down on 5/13 and the loudest area
23 that night was directly in front of Deanna's house.
24 You could clearly hear the music at that location.
25 I'll say I've conducted a number of noise complaints

1 over my years as the Chief Inspector. This one has
2 been very unique. I went down four or five times at
3 least over the next month. Some nights you could hardly
4 hear the music. You could drive down the road a little
5 ways and it was much louder. If there was a shed or a
6 barn it seemed like it blocked the noise but if you
7 moved past that area you could clearly hear the noise.
8 I took numerous records, or at least several recordings
9 over the next month and we want to at least be able to
10 show you a few of those.

11 (Pause while trying to get video to work)

12 ATTORNEY SCOTT: That's good news for your
13 client Mr. Thomey that seems very quiet.

14 (Laughter) (Trying to get video to work)

15 CHIEF BRADFORD: It doesn't appear we're going
16 to be listening to the video.

17 ATTORNEY SCOTT: To the best of your ability,
18 Earl, can you describe what you heard those times you
19 went out there?

20 CHIEF BRADFORD: Again, at Ms. Spears
21 location, I believe is at 6 Cresent, pretty much every
22 time I went there it could be heard clearly. I
23 actually visited Mr. Melward's residence - -

24 ATTORNEY SCOTT: In describing the sound that
25 you heard can you compare that - -

1 CHIEF BRADFORD: It was clearly heard from
2 his back deck. It did seem, and that was on 6/4/2022,
3 I visited that location along with several of his
4 neighbors. I arrived shortly after eight o'clock. At
5 that time we sat on his back deck, we could clearly
6 talk to each other. After nine o'clock it seemed like
7 the music got louder at which time we had to speak even
8 louder to be able to hear each other clearly. As I was
9 leaving the address that night, walking across his
10 front lawn it seemed like the music even became louder,
11 and again that was on 6/4/22.

12 MR. BRAGG: You said there were times where
13 you couldn't hear it. Could we pick on of those, do
14 you have records?

15 DWIGHT THOMEY: John, you're not allowed to
16 do that. I'm sorry.

17 ATTORNEY SCOTT: Mr. Thomey, it's okay.

18 CHIEF BRADFORD: And I will say, I believe it
19 was on 5/27 it was raining and they were playing inside
20 the glassed in area. Then I returned on 5/28, the very
21 next night, and I have recordings at 8:15 on 5/27, at
22 8:16 on 5/28 and when they were outside you could
23 definitely hear the music, you know, makes sense.

24 ATTORNEY SCOTT: So, just to clarify, when it
25 was raining and they were inside you couldn't hear it?

1 CHIEF BRADFORD: Yeah, it was much more quiet
2 on - -

3 ATTORNEY SCOTT: It was much quieter.

4 CHIEF BRADFORD: - - 5/28 when they were
5 outside - -

6 ATTORNEY SCOTT: Okay.

7 CHIEF BRADFORD: - - at the same hour. On
8 6/18/2022 I arrived and it was not loud at all and I
9 actually received an email text from Mr. Taylor a
10 little bit later that night saying that it was
11 "amazingly quiet tonight."

12 CHAIRMAN MILLER: Mr. Thomey, anything of
13 Earl?

14 DWIGHT THOMEY: No sir.

15 CHAIRMAN MILLER: Thank you. Mr. Chiaminto,
16 any questions of Earl?

17 COMMISSIONER CHIOMINTO: No sir.

18 CHAIRMAN MILLER: Ms. Ortt?

19 COMMISSIONER ORTT: I have not questions.

20 CHAIRMAN MILLER: Mr. Thomey?

21 DWIGHT THOMEY: Yes.

22 CHAIRMAN MILLER: Do you have rebuttal?

23 DWIGHT THOMEY: I do, if I could have Mr.
24 Bragg just kind of - - I think you had made an inquiry
25 as to traffic violations since you've been at the

1 restaurant?

2 MR. BRAGG: Correct.

3 DWIGHT THOMEY: In that area and have there
4 been any noted traffic violations?

5 MR. BRAGG: No tickets issued for speed, no
6 tickets issued for D.U.I.s, Reckless driving and just
7 as a note, as one of the slides talked about those who
8 are certified, I included in my package of information,
9 we have twenty-five individuals who have been certified
10 and TIPS trained for alcohol. So, not just my
11 bartenders, my servers were required to go through the
12 same training. So, you know, that's in there as well.
13 I think, you know, in this situation I employ a great
14 number of people with Cecil County and we've got more
15 than sixty-five people who are employed by us and we
16 provide an income, they're supporting their families
17 and their homes. Single moms who work for me, students
18 who work for us who pay for their own college. I have a
19 young lady who works for me full time. She works full
20 time, she goes to school full time and she help support
21 her mom. So, I think when you're talking about
22 tranquility one of the slides that was presented by,
23 I'm sorry, Joe?

24 UNIDENTIFIED MALE: Joe - -

25 MR. BRAGG: By Joe Miller, I'm sorry I didn't

1 get his last - - was literally it had on the top of it
2 "Tranquility with the State guidelines being 67
3 decibels." So, I just ask that when you're considering
4 the tranquility, I've abided by all the proper
5 guidelines and even, you know, to a lesser extent in
6 the majority of cases and made adjustments. You can
7 see the times, you can see the adjustments that were
8 made, and you know, there was a lot of subjective
9 comments made on some of those screens that were
10 attributed to me quite honestly. I don't recall
11 sitting in a meeting, there was no one taking notes on
12 6/21 when we sat in that meeting. So, unless their
13 memory is as good as mine two years later, (laughing)
14 of it is as good as mine two years later I have to
15 question some of that. Just reading some of those
16 things, that's not how I speak. Some of things they're
17 attributing to me, that's not the phrasing I use,
18 that's not how I speak. You know, I think you guys
19 have to make that decision, it affects a lot of people.
20 Many - - many, some who are here, many who could not be
21 because of the time and their work schedules but, you
22 know, I think we've done more there than anyone else
23 has in many year.

24 CHAIRMAN MILLER: Mr. Bragg, we're here about
25 the noise.

1 MR. BRAGG: Yep. I appreciate it.

2 CHAIRMAN MILLER: And we've just - - we've
3 decided cases without decibel meters.

4 MR. BRAGG: Right.

5 CHAIRMAN MILLER: Just because the neighbors
6 are upset. So - -

7 MR. BRAGG: Yeah.

8 DWIGHT THOMEY: If I can sum up. I think a
9 couple of the witnesses were probably referring to
10 this, a large part of the problem is this business is
11 much more successful than the previous restaurants
12 there so there is more people and there is more traffic
13 and if you live in a residential neighborhood you don't
14 like that. There's no evidence that's been presented
15 that any of this traffic, other than people
16 subjectively stating, that any of this traffic has
17 actually been dangerous. There's been no evidence of
18 any accidents, no evidence of citations other than an
19 accident happened six years ago that apparently had
20 nothing to do with this operation. So, I think we're
21 really back to the noise, that is a difficult thing I
22 know for you all to deal with. All that we tried to
23 present to you is that as best we could measure trying
24 to use the best measurement devices that we have
25 available to us, we were keeping noise levels to

1 somewhat of a conversation level. Earl obviously
2 indicated there was at least one night when maybe it
3 exceeded the conversation level, the other nights it
4 didn't when he was out there. I don't know how you
5 address something like this. I've told him what to do
6 with the sound meters and to make sure the bands keep
7 it down and I guess I would suggest - - the only
8 suggestion I could say to you, John, frankly is since
9 there's been a couple statements about maybe it seems
10 to get louder later in the night, maybe it does, maybe
11 it doesn't, is to make sure that the noise level stays
12 consistent. Don't let them get too excited toward the
13 end of the evening when they're - - you know, I know
14 sometimes bands want to have a grand finale and just
15 tell them, "We can't have that," you know. This noise
16 level needs to be consistent. But I think I have a
17 very ethical and responsible client and I think if
18 there's some other suggestions that you have in terms
19 of trying to make sure that we keep noise at a
20 consistent level, I'm sure he would try to comply with
21 that.

22 CHAIRMAN MILLER: Mr. Bragg?

23 MR. BRAGG: Yes sir.

24 CHAIRMAN MILLER: The only suggestion we've
25 heard today so far was move your bands inside. What

1 could you come up with?

2 MR. BRAGG: The aspect of that is really
3 difficult for our operation. I only have enclosed
4 maybe seventy seats.

5 CHAIRMAN MILLER: I understand that.

6 MR. BRAGG: My seating is outdoor and, you
7 know, as another note - - yeah, it's a seasonal
8 business. I mean, we don't start playing music outside
9 in March, you know, as it was stated. We didn't start
10 playing music outside on a regular basis until May
11 because this Spring was so incredibly difficult weather
12 wise we were - - I was going to say, "Pulling my hair
13 out," but that's obviously already been done but we
14 were, you know, we were very, you know, stressed about
15 not being able to open up outside, not being able to
16 have bands outside because that is when you get the
17 most people. I can only fit eighty people inside
18 what's enclosed in the Summertime. In the Wintertime
19 we do enclose a little bit more so we increase that
20 seating to about 125/130 people but, you know, the bulk
21 of the people they want to be outside, even on a
22 Saturday - - even on a Saturday night now if you come
23 to my restaurant the inside seats are empty, they're
24 empty unless you want to sit inside in a small area
25 where we have a little air conditioning.

1 CHAIRMAN MILLER: Okay, that's no answering
2 my question. My question, you a meeting with eight
3 residents talked about being neighborly, that's what
4 we're trying to decide here.

5 MR. BRAGG: I mean, look - -

6 CHAIRMAN MILLER: How can you keep this music
7 down or work with your neighbors to come up with some
8 kind of solution.

9 MR. BRAGG: I think I've done a lot already.
10 Can I ask the bands to make it even less? Yes. You
11 know, does that prevent me from being here again in the
12 future? So, yeah, after nine we can take more
13 readings, you know, and make sure that it stays down,
14 you know, under the - - an acceptable level.

15 ATTORNEY SCOTT: Let me interject and talk to
16 Mr. Thomey and try to interpret what I'm hearing the
17 Board say. This is not a decibel decision for the
18 Board. We don't have decibels in our rules that we
19 have to - - that we follow. We have - - the Board has
20 discretion to grant and take back and rescind liquor
21 licenses. I don't know if - - this does not - - I've
22 been here for two years, this is the first time we've
23 had a true dispute and so, you're not making it easy
24 for the Board to make a decision and I need to make
25 sure you understand the gravity of what's at stake

1 here.

2 MR. BRAGG: I understand that.

3 ATTORNEY SCOTT: Hold on, hold on, I'm not
4 done. You have a successful business that is by all
5 accounts what we've heard has a business model that is
6 successful and has been more successful than what's
7 been done in the past, however, that new business model
8 is interfering - - seems to be, we've heard testimony
9 it seems to be interfering with the peace and quiet and
10 enjoyment of nearby land owners. And so, this Board
11 has a duty to act to do something. The Chairman asked,
12 "Are you open to changing your business model," and you
13 know, there are consequences to what you've done for
14 two years now on your new business model and we've
15 clearly heard testimony - - the Board has clearly heard
16 testimony that it is interfering beyond what would
17 normally be expected, at least that's the testimony
18 they've heard. They can decide to evaluate that, you
19 know, the legitimacy of that evidence, however, the
20 gravity of this situation is that this Board has the
21 ability to take away your liquor license if you cannot
22 operate in a way that is integrated with your neighbors
23 and, you know, we have an establishment that's in a
24 residential area. This is not in a normal commercial
25 area, it's in a residential area and so there must be a

1 way that it can be done. It's done in a lot of other
2 areas in the county. We don't have these kinds of
3 meetings with this many people that have come in that
4 are upset and sign petitions. And so, this is a unique
5 case and I just want to - - so when the Chairman asked,
6 "What can be done," and you come back and say, "Well,
7 we've stayed within our decibels and there's not much
8 more I can do," I just want to give you a heads up that
9 that's not really an answer. It's an answer but it's
10 not really an answer.

11 MR. BRAGG: I can reduce the decibel levels
12 further, you know, and you know, monitor it more often
13 and more frequently. I don't have a concern with that.

14 CHAIRMAN MILLER: Mr. Bragg, let me ask you
15 another question. Out of all your bands how many are
16 acoustic?

17 MR. BRAGG: It's usually like a Thursday,
18 Sunday, Saturday afternoon.

19 CHAIRMAN MILLER: And the rest of them are?

20 MR. BRAGG: Well, Friday night and Saturday
21 night are, you know, live bands.

22 CHAIRMAN MILLER: That play?

23 ATTORNEY SCOTT: Amplified - -

24 MR. BRAGG: Amplified music, yes.

25 CHAIRMAN MILLER: Right.

1 MR. BRAGG: Right.

2 CHIEF BRADFORD: Can I add something?

3 CHAIRMAN MILLER: Yes sir.

4 CHIEF BRADFORD: Part of the packet was six
5 emails that we received from other residents of the
6 neighborhood. One of those actually supplied a
7 calendar over the last three months with all the bands
8 and had indicated which band was loud, which one was
9 very loud, which one wasn't loud at all.

10 DWIGHT THOMEY: Might be helpful.

11 CHIEF BRADFORD: Might be helpful, yeah.

12 DWIGHT THOMEY: I think, what I would like to
13 request, and John, hopefully I'm not getting you in
14 trouble, is that I was very impressed with the
15 president's presentation. I thought it was well
16 thought out, that maybe try to meet with he and a
17 couple people from that neighborhood and maybe through
18 that process have a couple bands down there, measure
19 what's going on and then if they say, "Well, this ones
20 kind of a problem," we need to tone him down five
21 decibels, "This one's okay, not a problem." I think
22 maybe you could find - - I had another client that kind
23 of went through that process and eventually found this
24 works in this neighborhood and these three bands maybe
25 we just can't have back because no matter what I say to

1 them they just jack the music up by the end of the
2 night. And so, I- - you strike me as somebody that
3 really wants to be a good neighbor.

4 MR. BRAGG: I do, absolutely.

5 DWIGHT THOMEY: You are a very good business
6 man obviously. You've had a good reputation long
7 before you moved your restaurant over into this area.
8 That's what I would suggest if the Board doesn't mind
9 and then we'll report back to you. You know, you can
10 report back to me and I'll report back to the Board.
11 I think there is some opportunity here, these people
12 don't seem to be terribly unreasonable. There's always
13 maybe one person you can never make happy but it sounds
14 to me like the bulk of them are trying to be reasonable
15 and sit down and over the next month while you're still
16 having music outside, try that and I think what you
17 might find is there's just, like Earl says, "There's a
18 couple bands that are a problem," and those bands
19 you'll have to say to them, "Look, either you have to
20 tone it down or I can't use you. You're too loud."

21 MR. BRAGG: Yes, certainly.

22 CHAIRMAN MILLER: Okay, thank you. I would
23 entertain a motion to go into closed session.

24 COMMISSIONER CHIOMINTO: I make a motion that
25 we go into closed session.

1 CHAIRMAN MILLER: Second.

2 ATTORNEY SCOTT: To discuss what?

3 COMMISSIONER CHIOMINTO: Noise issues at the
4 establishment of Unwined on the Water.

5 CHAIRMAN MILLER: Thank you, sir. Do I have
6 a second?

7 COMMISSIONER ORTT: Second.

8 CHAIRMAN MILLER: All in favor?

9 COMMISSIONER CHIOMINTO: Aye.

10 COMMISSIONER ORTT: Aye.

11 CHAIRMAN MILLER: Aye.

12 CHAIRMAN MILLER: We're going to - -

13 ATTORNEY SCOTT: At this time we're going to
14 - - sorry, go ahead.

15 CHAIRMAN MILLER: We're going to go into
16 closed session right now and we'll be back as soon as
17 we have a discussion.

18 DWIGHT THOMEY: Thank you.

19 ATTORNEY SCOTT: You're welcome to stay,
20 we'll try to make it quick.

21 CHAIRMAN MILLER: If you want to take a real
22 quick break, hit the bathroom.

23 DWIGHT THOMEY: That's a great idea.

24 (Board goes into closed session)

25 (Board returns from closed session)

1 ATTORNEY SCOTT: If we could get everyone to
2 sit down, please, that would be great.

3 CHAIRMAN MILLER: I'll entertain a motion to
4 reopen the meeting.

5 COMMISSIONER CHIOMINTO: I make a motion that
6 we begin the meeting and get out executive session.

7 CHAIRMAN MILLER: Do I hear a second.

8 COMMISSIONER ORTT: Second.

9 CHAIRMAN MILLER: All in favor say "Aye."

10 COMMISSIONER CHIOMINTO: Aye.

11 COMMISSIONER ORTT: Aye.

12 CHAIRMAN MILLER: Aye. Okay. I'd like to
13 thank all the parties involved and apparently had a
14 discussion out in the hallway and came to an agreement.
15 I think that's very notable that it was worked out. I
16 would think after you hear this motion there's going to
17 be more of that. Okay? So, at this point I will
18 entertain a motion on the discussion that was held in
19 the back room.

20 COMMISSIONER ORTT: I'd like to make a motion
21 in regards to Class "B" BWL B-83 William Gravlee,
22 Triton Marina Services, LLC, Owner, John Bragg, Bampen,
23 LLC, Lease Manager, T/A Unwined on the Water, 285 Plum
24 Point Road, Elkton, Maryland 21921. We find you guilty
25 of the terms of your liquor license by violating the

1 peace and tranquility of the neighborhood, section F-7
2 of our local rules and regulations. The new terms of
3 your license will be: No outdoor music after 8:00 P.M.
4 Sunday through Thursday and no outdoor music past 9:00
5 P.M. on Saturdays and Sundays effective Thursday,
6 September 15, 2022.

7 CHAIRMAN MILLER: Having heard a motion do I
8 hear a second?

9 COMMISSIONER CHIOMINTO: Second.

10 CHAIRMAN MILLER: Having heard a motion in
11 the second, all in favor say "Aye."

12 COMMISSIONER CHIOMINTO: Aye.

13 COMMISSIONER ORTT: Aye.

14 CHAIRMAN MILLER: Aye. Opposed, having heard
15 no opposition that's how it went. Mr. Bragg?

16 MR. BRAGG: Yes sir.

17 CHAIRMAN MILLER: This can be changed if
18 after further discussion with your neighbors, as you
19 quickly did out in the hallway, to come to an agreement
20 and it's in writing and you come back here and approach
21 us, you might be able to go back to ten O'clock, okay?

22 MR. BRAGG: Yes.

23 CHAIRMAN MILLER: And we'd reinstate it but
24 it's got to be done with the cooperation of your
25 neighborhood. Okay?

1 MR. BRAGG: Yes sir, thank you.

2 CHAIRMAN MILLER: You are quite welcome.

3 MR. BRAGG: I appreciate it.

4 CHAIRMAN MILLER: Okay.

5 DWIGHT THOMEY: Thank you very much for your
6 time and attention this morning.

7 CHAIRMAN MILLER: Thank you, sir.

8 ROBIN TRADER: Thank you.

9 CHAIRMAN MILLER: And the neighborhood, we
10 thank you very much for coming in.

11 ROBIN TRADER: Yes, thank you.

12 CHAIRMAN MILLER: We appreciate it.

13 ATTORNEY SCOTT: We have a few other things
14 we have to do. You're welcome to stay or you can take
15 this time to leave if that's all you were here for.

16 CHAIRMAN MILLER: Do we have any questions or
17 public comment? (No verbal response) General business.
18 Approve the minutes for I think August?

19 ROBIN TRADER: June.

20 CHAIRMAN MILLER: June?

21 ROBIN TRADER: We didn't have a July.

22 CHAIRMAN MILLER: Oh, that's right.

23 COMMISSIONER CHIOMINTO: Make a motion that
24 we accept those minutes from the June 2022 meeting.

25 COMMISSIONER ORTT: Second.

1 CHAIRMAN MILLER: All in favor say "Aye."

2 COMMISSIONER CHIOMINTO: Aye.

3 COMMISSIONER ORTT: Aye.

4 CHAIRMAN MILLER: Aye. Opposed? (No verbal
5 response) Minutes approved. Specials?

6 ROBIN TRADER: None.

7 CHAIRMAN MILLER: Earl left the room.

8 CHIEF BRADFORD: I'm here.

9 ATTORNEY SCOTT: No specials.

10 CHAIRMAN MILLER: Okay, you usually answer.

11 CHIEF BRADFORD: I'm sorry.

12 CHAIRMAN MILLER: It's okay. Tobacco
13 enforcement update. Jen?

14 JENNIFER PADGETT: Hello, I'm Jennifer
15 Padgett. I'm the Tobacco Grants Coordinator at the
16 Cecil County Health Department and I want to thank you
17 for letting me be on your agenda today cause I know you
18 had a very full agenda. I am requesting that we follow
19 up on the adoption of the local ordinance and the State
20 legislation that will streamline the process of Tobacco
21 and Alcohol Licensing and citation hearings to the
22 Liquor Board. I brought copies of the proposed State
23 Legislation that has the Maryland Business Code
24 Regulation, that's the shorter Legislation piece and
25 I've also brought a copy of the local ordinance that we

1 drafted together last year and for your review just so
2 - - and we had agreed to move forward with these
3 proposals this year. We wanted to adopt these pieces
4 of legislation together and just to refresh everybody's
5 memory, the Cecil County ordinance would move tobacco
6 retailer sales citations out of District Court to the
7 Liquor Board hearings. Both the licensee and the clerk
8 could be cited and fines could go to the Liquor Board.
9 In addition, violators would be required to attend and
10 pay for I.D. Tech trainings to prevent repeat offenses,
11 that's the local ordinance. The State ordinance, the
12 County specific State legislation would allow our
13 Liquor Board to increase the fee for tobacco licenses
14 to \$125.00 and collect the fees to help the retailers
15 with compliance and training and hearings. I'm asking
16 permission from our County to take these proposals to
17 State legislation and to our County Council. The
18 Tobacco Task Force and our partners at the legal
19 resource have agreed to provide full support for these
20 legislation pieces and I just wanted to put it on
21 everybody's radar just to make sure that we address any
22 issues that we might have or want to work out before
23 the 2023 legislation, and I plan to work with you
24 through the entire process and the Cecil County Tobacco
25 Task Force, I'm happy to represent and present in front

1 of the County Council as well as at the State
2 legislation in the Maryland Assembly.

3 So, my question for you all is, can we move
4 forward and, if so, what are the next steps for me to
5 do to work with you all?

6 CHAIRMAN MILLER: Mr. Scott?

7 ATTORNEY SCOTT: So I have a - - we took a
8 hard look at this a year ago, it seems like a year ago,
9 I don't know if it was six months or nine months ago
10 but I believe it was last year and what we discovered
11 was that we would be the first county to do this, that
12 Montgomery County took a run at it and was
13 unsuccessful. So, I guess what I want to ask is, where
14 are we with the whole state? What are the other
15 counties doing? Are we still first? Have some other
16 counties been successful at this?

17 JENNIFER PADGETT: Montgomery County did make
18 changes. They were successful but they did make
19 changes but the changes did not - - were not identical
20 to what we are trying to do here in Cecil County
21 because we as Cecil County do not have the same
22 resources and set up as Montgomery County. So, the
23 changes we would be making would be the first for the
24 State.

25 I have talked to Jeff Kelly at the Alcohol and

1 Tobacco Commissioner and he seemed like excited about
2 the fact that this might be a good way to be a model
3 for the State. So, this is just one of the thoughts
4 behind that. I do believe that is a good move for both
5 the Liquor Board. I do believe it's a good move for
6 the vendors in the county.

7 ATTORNEY SCOTT: Can you tell me or send me
8 an email afterwards for the benefit of the Board what
9 has changed from last year to this year, how are we
10 going to be different than Montgomery County if you
11 know that off the top of your head?

12 JENNIFER PADGETT: I need to walk back to my
13 bag. I think I actually wrote all the information
14 down.

15 ATTORNEY SCOTT: That's fine, yeah.

16 JENNIFER PADGETT: I believe that the State
17 legislation will be identical to Montgomery County
18 except for the fees, there will be a fee difference and
19 I forgot what the next question was.

20 ATTORNEY SCOTT: I just wanted to know what
21 the differences were. What the proposed differences
22 were from last year to this year.

23 JENNIFER PADGETT: Yeah, and the fee that was
24 set at - - we had every county in Maryland has a
25 tobacco fee of \$25.00 except for a few counties that

1 have the exception, Cecil County being one, we have
2 raised ours to \$50.00. Several other counties,
3 Montgomery and, I believe, I'm looking at the
4 legislation cause I believe it's actually written in
5 the legislation and Montgomery County - - we have
6 raised our fees too and Montgomery County is \$100.00,
7 we would be raising ours to \$125.00.

8 ATTORNEY SCOTT: Okay, and - -

9 JENNIFER PADGETT: We can raise it to
10 whatever - -

11 ATTORNEY SCOTT: Sure.

12 JENNIFER PADGETT: - - you all propose.

13 ATTORNEY SCOTT: And are we - would we still
14 be the first county other than Montgomery County?

15 JENNIFER PADGETT: Yes, Cecil County will be
16 a trendsetter.

17 ATTORNEY SCOTT: Those are the extent of my
18 questions, Chairman.

19 CHAIRMAN MILLER: (Pause) Oh, okay.

20 ATTORNEY SCOTT: I can give you the summary
21 from what we discussed six months - - to whenever we
22 discussed it last time.

23 CHAIRMAN MILLER: I think we can wait.

24 ATTORNEY SCOTT: Okay.

25 JENNIFER PADGETT: If you all need time to

1 talk about it, that's fine. I want to work with you to
2 do what we need to do for Cecil County. I want to
3 bring in more resources to Cecil County and I want to
4 help expand the Liquor Board as well as to help our
5 vendors. Several vendors have commented to me that
6 they would love for the Liquor Board to be in charge of
7 both tobacco and alcohol because it's very - - it can
8 be very confusing to have different folks checking you
9 and looking at it and it gets a little bit - -
10 sometimes confuse me with Earl anyway when I go out and
11 talk to them, so.

12 ATTORNEY SCOTT: That's very unfortunate.

13 JENNIFER PADGETT: No, no, they know the
14 difference between us but I think I work with him in a
15 different capacity than we do.

16 ATTORNEY SCOTT: It's my understanding that
17 from the State's Attorney's Office when we researched
18 this that District Court just does not want to do this
19 and so there is a major lack of - - in reality a lack
20 of enforcement because there is no penalty really
21 because District Court and the State's Attorney's
22 Office does not want to prosecute these because
23 District Court won't take them even if the State's
24 Attorney's Office prosecutes them. And so, to the
25 Board that's one of the major reasons why the State

1 Alcohol and Tobacco Task Force, under the correct name,
2 wanted it to move over to Liquor Boards because we're
3 in a much better position to do enforcement. I believe
4 that was the underlying reasons.

5 JENNIFER PADGETT: Yeah, I do believe the
6 vendors will respond better because you have a more
7 consistent way of ruling and they are more familiar
8 with you. Many of the alcohol and tobacco vendors
9 overlap. We have about fifty percent overlap, so. I'm
10 just - - this is just a rough estimate, so, please
11 don't hold me to that if you find it's like forty-nine
12 or forty-eight or something.

13 ATTORNEY SCOTT: And any of this that's done
14 here would need to have budget and so most likely would
15 be something we would do in conjunction with the County
16 Executive and the County Council, so we would not want
17 to have one to operate - - you know, to do it without
18 the other even though you could in terms of everyone
19 trying to work towards the same goal.

20 CHAIRMAN MILLER: Okay, Jen, thank you very
21 much for the update.

22 (Undecipherable comments from the audience)

23 ATTORNEY SCOTT: You're not making a lot of
24 noise outside your business are you?

25 UNIDENTIFIED MALE: What's that?

1 ATTORNEY SCOTT: You're not making a lot of
2 noise outside your business. You going to have a live
3 band in the parking lot.

4 UNIDENTIFIED MALE: (undecipherable comments -
5 not near a microphone)

6 ATTORNEY SCOTT: Chairman?

7 ROBIN TRADER: Also, Linda Meffley had
8 emailed me back when I asked her if her training was
9 still free. She says she has room for 99, she has 33
10 signed up and that goes through the end of the year and
11 she's done, so.

12 CHIEF BRADFORD: Okay.

13 CHAIRMAN MILLER: Okay.

14 ROBIN TRADER: Just FYI.

15 CHAIRMAN MILLER: Okay, moving forward. We
16 have new business. We have legislative requests
17 involving banquet facilities license, theater license,
18 beer wine/liquor license, Alcoholic beverages code 17-
19 205, Beer and wine licenses.

20 CHIEF BRADFORD: You want me to hit all those
21 real quick?

22 CHAIRMAN MILLER: No.

23 CHIEF BRADFORD: No, okay.

24 CHAIRMAN MILLER: I don't.

25 ATTORNEY SCOTT: I'm familiar with that.

1 CHAIRMAN MILLER: I have been patient. You
2 know where I'm going - -

3 CHIEF BRADFORD: You have some other matters
4 you need to attend to.

5 CHAIRMAN MILLER: Yes, I do. I would like to
6 entertain a motion that, with the Board's approval, Mr.
7 Scott and Mr. Bradford arrange a meeting with our State
8 Delegate to work on and agree to this legislation so it
9 can get into the General Assembly by December. I'd
10 entertain a motion on that.

11 COMMISSIONER ORTT: I move to approve this
12 meeting for the new legislation to be introduced to the
13 House by December.

14 COMMISSIONER CHIOMINTO: Second.

15 CHAIRMAN MILLER: All in favor say "Aye."

16 COMMISSIONER ORTT: Aye.

17 COMMISSIONER CHIOMINTO: Aye.

18 CHAIRMAN MILLER: Aye. Approved. Good luck
19 guys. Motion to adjourn.

20 COMMISSIONER CHIOMINTO: I make a motion that
21 we adjourn.

22 CHAIRMAN MILLER: Do you we have a second?

23 COMMISSIONER ORTT: Second.

24 CHAIRMAN MILLER: All in favor say "Aye."

25 COMMISSIONER ORTT: Aye.

1 COMMISSIONER CHIOMINTO: Aye.

2 CHAIRMAN MILLER: Adjourned.

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CERTIFICATE

I, Kelly S. Mullins, do hereby certify that the foregoing testimony was taken before the Board of license Commissioners, using a digital recording system on March 27, 2019 and that said testimony has been reduced to typewriting by me, and that the foregoing transcript is a true and accurate record of the proceedings herein to the best of my knowledge and belief.

E-signature

Kelly S. Mullins

Certified Electronic Transcriber

April 9, 2023