

The Board of License Commissioners of Cecil County met in a regular session at the County Administrative Building, Conference Room, 200 Chesapeake Boulevard, Elk Room, Elkton, MD on Wednesday, August 26, 2020 at 9:15 A.M.

PRESENT: Stephen Miller, Chairman
Kristen Ortt, Commissioner
Bernard Chiominto, Commissioner
Jason Allison, Board Attorney
Earl Bradford, Chief Alcoholic Beverage Inspector
Robin S. Trader, Administrative Assistant

Chairman Miller called the meeting to order.

9:15 AM

APPLICATION –NEW

Application received from Lori Chichoki, Vice President; David J. Norcini, President; 1444 Glebe Road, LLC, T/A Hacks Point Yacht Club, 1444 Glebe Road, Earleville, MD 21919 for issuance of a new Class “C” Beer and Light Wine Alcoholic Beverage License

Applicant Lori Chichoki and David Norcini appeared virtually before the Board, along with attorney Dwight Thomey and several licensees represented by attorney, Robert Jones and several members of the public; those testifying were asked to be sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of August 12 and 19, 2020; the legal notice gave instructions on how to access the meeting through Zoom. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 1.

Mr. Allison asked “before we get started as a preliminary matter. I'd like to ask, since the time of filing of the application for this license have there been any material changes to the information contained in the application. Ms. Chichoki stated there has not; Mrs. Trader stated they have submitted an updated membership list of about 172 members.

Mr. Thomey introduced his clients and had his clients describe what their plan was for the business; Ms. Chichoki stated they have the store and ice cream area and have created a beach area where members can come and sit with their families, eat, have a beer and enjoy the atmosphere. Commissioner Chiominto asked what the occupancy will be; Ms. Chichoki stated they have installed a fence and she feels it will be up to the permitting office and the fire marshal to dictate what the occupancy will be. Chairman Miller asked if they had any idea how many of their members were Maryland boaters; Ms. Chichoki stated “on the application. It requires us to have a certain number of residents right there within the hacks point. So they all are voters on that list our members. I'm not sure I have the exact count but that's something that if like we could determine what that is. We try to ensure that we hit not only our residents, because our locals are very important to us as well, and also those that visit our community. And so we touched on both of those.

Mr. Allison stated "I do have some questions. that relate to the application. Some of the testimony this morning. On the application lists it states 50% owners, however, the operating agreement for Bohemia Beach Bar LLC on lists one of the applicants as an owner and the second applicant as a manager. Please clarify for the Board to myself, whether in fact they are both 50% owners and Bohemia beach bar LLC, and if so, to ask that that they update their operating agreement to reflect that and the reason I say that is because if there's a change in ownership on that creates a new 50% owner or minority owner or a new majority owner on it effectively triggers a transfer. So we don't want to get into that right away if it's truly a 50% ownership..

Mr. Allison continued, "the other thing is that on page two, the application that lists the corporate name is 1444 Glebe Road LLC and the trade name is Hacks Point Yacht Club., however, page three lists, Bohemia Beach Bar LLC DBA Hacks Point Yacht Club, that's on page four. There's no mention there 1449 Glebe Road LLC and so I'm trying to clarify for the record today for the alcoholic beverage license only, not the ownership of the underlying real estate is it, is it true Bohemia Beach Bar LLC. is the applicant and it will be doing businesses Hacks Point Yacht Club. Ms. Chichoki stated 1444 Glebe Road LLC is the property owner and Bohemia Beach Bar is the managing entity. Mr. Allison then stated the Board will need a lease showing this as a supplement to the application. He also stated that 1444 Glebe Road is not in good standing with the State of Maryland, this will need to be taken care of so the license, if issued, isn't revoked.

Mr. Thomey stated he has another witness to testify. Please state your name for the record; Nicholas Parish. And what is your background. I am a retired commander from Maryland State Police and currently. I am the Senior Vice President of international private security company; I have been engaged to do some consulting work for the applicants Mr. Thomey asked: "In doing that, what have you set up for them and for when they operate so that they can make sure that they not only comply with Maryland law. Mr. Parish stated he has previous experience with the Board with two other establishments, I know that. There's concerns that always come up, so I advise the applicants on ingress, egress to control the uniqueness of the membership and needs to come in and out. I advise them on noise levels on how to do entertainment without bothering the neighborhood. I certainly advise to one security protocols and I advise them on how to direct membership coming in and out of the building and or ingress, egress outdoor area and designed a fencing plan. For the exterior of or what they need to do with the outdoor seating. So as a result of all that way the swap rate will be up, they'll be able to identify any club member guest as they arrive at the facility

And that and with regard to noise. What you would advise them is in addition to the fencing that the noise level of not decibels or less, they have to maintain control over. And you advice on how to set up a sound system to dwindle out that sound. And ensure they monitor the sound so they can keep it down.

Mr. Jones introduced himself as representing several licensees in the first election district; Jay and Lynda Rhawn from the Beachhouse; Mike Downs from Hammer's and

Christopher Hahn from the Anchorage. He reiterated what Mr. Allison stated about the entity not being in good standing. He then continued, "You have two yacht clubs that you properly licensed which are renewed every year. They are the Hances Point Yacht Club on the northeast River and the Northeast River Yacht Club. These legitimate clubs have the following facilities, they have a clubhouse, they have a clubhouse with showers for their members they have piers and slips for the boaters to have their boats more and maintained in they have facilities where boats can be launched and boats can be retrieved and boats can be stored. They have officers and they have dues paying members and this application has none of those, so I do not see a legitimate Yacht Club here, applying for a club license.

Lynda Rhawn from the Beachhouse Wine & Spirits stated: "Well you know what, there's quite a few reasons that we object to this license. Twelve years ago, my husband and I purchased this property that you know as the Beachhouse Wine and Spirits; at the time of our purchase, there were plenty of properties for sale. However, we purchased this property because a liquor license was included in the sale and we actually paid a higher price due to that and at this time, we have well over a million dollars invested in this property we have worked with the Liquor Board and all of the departments of Cecil County through these years, we have followed all the guidelines set by Cecil County, not only the purchase the property, but we have built this store from the ground up. Our district is already over by one liquor license, um, you know, when we bought this property. If anyone knows us our property that from the building prior to us had burned to the ground and we had to actually build the property from the ground up. We have adhere to the rules set forth by the liquor board and we have built an upstanding business that we run today on the property and question was previously known as the Hacks Point General Store at one time did have a liquor license the previous owner of that or actually sold that license and transferred that license to another property which the liquor board did approve. Um, with that said, Lori Chichoki and gave nor seen she knew there was no liquor license with this property when they purchased it, because on to my knowledge Lori was one of the realtors that was involved in selling this property to Dave. They've named the store the beach house the bikini beach bar, assuming that the Liquor Board is just going to hand out a license to them. And they've had people sign paperwork to be part of the so called Yacht Club, when their property clearly has no Marina. Certain amount of liquor licenses on, you know, based on the amount of voting rights and based on that, we are still over by one license, as far as we're concerned at this licenses approved, you're not only devaluing our license but you're devaluing all the other liquor license holders in Cecilton, or this would impair our investment which has been a hefty investment in a business that we have all our time and effort into because that means If this is allowed then, anyone can purchase any property, start any kind of so called club and get a liquor license for free and you know, I think there's quite a big issues here because we followed by the guidelines and have done everything, jumped through quite a few hoops, have a lot of money invested here, you know, I just don't see how, we've all played by the rules and then again, we're, you know, we're over by one liquor license. We're still over. Why is this even coming up?"

Mr. Jones then called Chris Hahn

Chris Hahn stated I currently reside at 6740 Augustine Herman highway and Cecilton; I own the Anchorage, at 5667 Augustine Herman,

Bob Jones: "And are you in opposition to this application?"

Chris Hahn: Yes.

Bob Jones: Would you please tell the Board of the substantial investment you've made in your establishment that does have a legitimate license.

Chris Hahn So, in the process of buying my establishment six and a half years ago, one of the major things in the purchase was the liquor license. It was like it was valued at 25 to \$30,000 at that point and was put on my mortgage if this goes through, like I said, anybody can get a license anywhere and just put a liquor store on every corner and next thing you know we're in Middletown. We all paid the price to get it if you want. They didn't have one for a couple years. And they found one to do their events we do weddings parties. Just about anything that can that can go on and it would greatly devalued my life ends. And actually my property in general, which just like everybody else will have a large investment in and you can pay my mortgage.

Bob Jones: Thank you very much, Chris, my third witness is Mike Downs, Mike, you were sworn in.

Bob Jones: Please state your full name and address

Mike Downs: Michael James Downs 290 Crystal Beach Road Earleville, Maryland.

Bob Jones: And could you describe to the members of the Board the investment you have made in your license, which currently holds license.

Mike Downs: So, six years ago I purchased it was known as the Alibi Inn I once I obtain full ownership of it I demoed that and created and built a new bar which is called Hammers Bar and Grill spent over \$800,000 constructing an operating that not operating constructing that building, I have applied I had done everything I'm supposed to do for the Liquor Board, I agree with Chris, you know, if I paid a premium for that lot because of the liquor license being there with it, so if he wants one thing and can go find one by one, that's fantastic. Good luck to you. Enjoy. But, you know, it is not right for us to be devalued for which will definitely happen if this is done is approved, there's just, that's pretty much my, my take on it is a, I don't want to devalue what I paid for, you know, I'd lose more money if I sold that today.

Bob Jones: Thank you very much. Zin summary, Mr. Chairman and members of the Board, as you can see, the first district is unique because it's really the district that has

the least population growth and least growth of licenses, but the whole concept of having the licenses tailored to the population is to have a balance between them. All of these licensees have testified they played by the rules. They had to search to find a license to establish the business that they have invested each of them almost a million dollars in so that they've played by the rules. It's certainly is not a level playing field. If the Board is going to allow people to come in with an application like this. Ladies and gentlemen, you can't figure out who's going to hold this license with these different entities and non-entities that they have on the application. In summary, I think the application is void ab initio and Mr. Allison can certainly consult you on that. We appreciate you giving us the time to make our presentation. Mr. Chairman and members, thank you very much

Mrs. Trader read several emails in support of the business into the record.

Commissioner Chiominto: I make a motion at this point that the Board deny the current application. We go over the steps we're requiring the proper license and again so that's my motion I I'm sure they're going to have concerns and questions and I got the list here. So, if you want to entertain a motion. Now, like I said. I make a motion that we deny their request at this time.

Chairman Miller: Jason. Can we read some suggestions into the motion.

Mr. Allison: Yes, you may

Chairman Miller: Suggestions we have before you come back, I need you to straighten out your paperwork, square up with a state. We talked a lot about making it look like a real club, which would be, what's the purpose of your club, whether it's like the VFW or a yacht club a locked officers hold meetings, if you come back in with a neat package of everything that makes it more look more like a club. I think it will go further. So we have a motion, do I have a second

Commissioner Ortt: I second that motion.

Chairman Miller: All in favor. (Aye.) Opposed. (none) The Board unanimously denied the license at this time.

Mr. Thomey - Thank you for your time.

Application received from Bryan Frederick Campbell, Owner; Gwendolyn DeShazo Campbell; Riverlife Liquors, LLC, T/A Riverlife Liquors, 29 North Main Street, Port Deposit, MD 21904 for issuance of a Class “B” Beer, Wine & Liquor Alcoholic Beverage License. - POSTPONED

APPLICATION – TRANSFER

Application received from Christopher Hahn, Anchorage Events, LLC, T/A Anchorage Events, LLC, 5667 Augustine Herman Highway, Earleville, MD 21919 for transfer of Class “B” Beer, Wine & Liquor Alcoholic Beverage License No. B-2 from Christopher Hahn, T/A The Anchorage, 5667 Augustine Herman Highway, Earleville, MD 21919

Christopher Hahn appeared before the Board; Mr. Hahn was duly sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of August 12 and 19, 2020; the legal notice gave instructions on how to access the meeting through Zoom. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 1. Mrs. Trader stated during the renewal of the license, the paperwork stated the new LLC, where it previously was solely Mr. Hahn, since the ownership went from sole proprietorship to an LLC, a transfer was required. The Board asked if Mr. Hahn planned to change the way he does business which Mr. Hahn stated no. With no further questions, Commissioner Ortt made a motion to approve the transfer; Commissioner Chiominto seconded that motion and the Board unanimously approve transfer.

OUTDOOR ENTERTAINMENT REQUEST

Class “D” BWL No. D-108 - Larry McElroy, President/CEO; James Gorman, Vice President; The Golden Mule LLC, T/A The Golden Mule, 1809 Conowingo Road, Rising Sun, MD 21911

Larry McElroy appeared virtually before the Board to request outdoor entertainment. Mr. Allison requested anyone who is going to testify in this matter needs to be sworn in – the Clerk duly swore those who will testify. Mr. Allison asked Mr. McElroy to specify what type of low key entertainment he plans

Mr. McElroy - I'm thinking like, Saturday, Sunday afternoons nothing into late in the evening, maybe no later than up to 9pm; I'm looking for maybe solo or maybe do nothing with any sort of amplification or amplifiers, really something just like room level kind of noise decibel level. Nothing that rages that's going to awake the neighbors or, you know, create like a heavy metal atmosphere of any nature just something really like maybe country music. Something like that.

Melissa Hunter: Opposition question. Um, because we support Larry in his business. But we have some concerns. So it's really not an opposition to say, so please don't

think that we're in opposition of your business. Because, you know, my husband I we have supported you

And we would like to see you successful and but in the same sense, we just have some concerns.

So for you, types of entertainment. You just want to do Saturdays and Sundays. Is that correct,

Larry: Yes, that's correct. Just looking for Saturday, Sunday is nothing during the week, I'm really trying to appeal to my neighbors with the, you know, not doing anything terrible your way and everybody's got to get up for work in the morning, kids have to go to school. I'm very understanding of that. But I was looking for, maybe, maybe Friday evenings maybe Saturday, no later than nine Sundays, you know, maybe up to like maybe six

Melissa Hunter: And so will it be amplified? That was the main concern because my mother in law and my husband and brother in law's grandmother, who was 93 also lives in that property. And the last time when we had the issue and the concerns their house vibrated the entire time. So, that is the one concern is that whether or not it would be amplified and I know that my husband send an email and that was his main concern. I do not know what my brother in law and sister in law will have to say, and now with him speak about their concerns as well. But that is the one concern is the amount of time, the music. And how it will be displayed. If you have somebody who's on the guitar and singing my husband and I, we think that would be okay. But if it's amplified like what happened last time where we are several hundred. I don't know how far away from our house your business is, but it vibrated our house as well; 1000 feet is what my husband says he can't be here because he's working telework but that is the one concern. I mean, we haven't had any problems with anybody roaming or anything like that. We are well aware that there were some people that peeled out and you took care of that. So, we know that you're trying to keep things on a low key, so I mean I think that you've taken care of it and have gotten rid of the mound, your properties well maintained cleaned up. You've brought in different kinds of food, which is great. So that was the only concern that we had. And then if our mother in law and grandmother in law would have a concern, how would you handle that, if the noise got too out of hand? Because we want to be good neighbors, and I know you want to be a good neighbor and you've had that conversation with my husband as well. So how would you handle that, if it was bothering them, how could we come to some kind of an agreement?

Larry: Oh well thank you guys and I definitely want to be a good favorite with all my neighbors, but the amplification music like I agree with you. Hundred percent. It's just too loud. It's something that even irritates me like I don't really care for it either allow bands just it's I'm at the point my age where it's just I don't want to listen to it anymore. But I was thinking guitars like just, you know, no application of any sort of music equipment and if they get to the point, Melissa, whenever something, you know, Jamie

felt it was unbearable. Absolutely. Are you guys can just come and see me about it. You know, I work with is it even if it comes to the point. We just have to shut it down completely on. It's something I've definitely wouldn't have an issue with doing so.

Melissa Hunter: Because we haven't adjusted the board knows we have not had any problems and my husband hasn't went up and spoke to Mr. Mack, is it McAfee?

Larry: McElroy

Melissa Hunter: So we have made attempts, because when we had our last meeting. It was suggested that we get together and we talk as neighbors. So that was not only concern. So we're not so much opposed, I think it's more of a concern because you know what the COVID-19, a lot of business have suffered as well and we understand that and you've done a really great job and trying to increase your revenue by being creative with the food which everybody is loving so that were completely and supportive or just concerned that the music is amplified and if that is not going to be a concern. I mean love an issue, then you know I think that's where we are and I do

Chairman Miller: Is there somebody else that would like to speak?

Josh Rash: Hi, this is Josh Rash. I want to voice pretty much the same concerns, um, you know, because the only experience we had was a bad experience with that and that, you know, moving forward. If it's not, if it's not something like what it was last time. You know what, what different types of arrangements. You know, would be willing to be made? Would you be open to all that?

Larry: I certainly understand your concerns Josh and I like I think I've demonstrated past that are pretty flexible person so they get to the point where your family's Melissa's it's just unbearable. Like, I probably you have my promise that I'm certainly be flexible and you know just closing the whole thing down if needed. And the last time we did it, it was unbearable. You're absolutely right. So it didn't go as well as I'd hoped so

Chairman Miller: Anybody else want to testify? I will entertain a motion.

Commissioner Ortt: I move to approve this with acoustic music with a 30 day trial period for residents in hopes that everyone will be satisfied with the decibel level near the neighborhood.

Commissioner Chiominto – I second that

Chairman Miller: I have a motion and a second. All in favor, say , nobody being opposed the motion is granted with a 30 day limit and when the neighbors can call us or come over and work it out with you, as long as it's being done. It sounds like the presentation was well and then neighbors are very cooperative I'm working with you. So thank you all very much.

Inspector Bradford: The 30 day would start once you have your first outdoor entertainment event.

Larry: Okay, great. Thank you.

Inspector Bradford: If you want to let us know. We would appreciate that that date.

Larry: You know when I do that. Yes, sir. I'll do that.

Inspector Bradford: And we can start the 30 days from then.

General Business

- **Approve Minutes**
- **Specials**

Old Business

New Business

Chairman Miller called for a motion to adjourn; Commissioner Ortt made a motion to adjourn; Commissioner Chiominto seconded that motion and the meeting was adjourned.

BY:

Stephen Miller, Chairman

ATTEST:
Robin S. Trader, Administrative Assistant