

TALBOT COUNTY, MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS

Minutes of Public Meeting
March 27, 2023

The meeting of the Talbot County Board of Liquor License Commissioners was called to order at 10:02 a.m. on Monday, March 27, 2023. Present were Chairman Jack M. Gottschalk, Commissioner Edward M. Bridges, Jr., Commissioner David A. Fike, Alternate Jacqueline M. O'Neil and Board Secretary Victoria E. Bradley.

OLD BUSINESS

- Upon motion by Commissioner Fike, seconded by Commissioner Bridges, the minutes of the meeting of February 27, 2023, were unanimously approved with a spelling correction.

NEW BUSINESS

Composite Marine, LLC d/b/a Ferry Point Marina – Application for Transfer of a Class A liquor license for alcohol dispensaries, supermarkets, convenience stores (off-sale)

All those in attendance to testify in the matter were sworn in, (applicants Jacob Glover, Lewis Hardy and their attorney Anthony Kupersmith).

The Board confirmed all parts of the application where there. Mr. Kupersmith submitted the missing Attachment #3 notarized affidavit of posting.

The Chairman asked Mr. Kupersmith to confirm the current license holder. Mr. Kupersmith confirmed the current license holder is AC Gateway, LLC and the business has been sold to Composite Marine, LLC. The Chairman asked the applicants how long the AC Gateway, LLC has had a Class A license at this location. Mr. Glover testified they have had a Class A license since 2014 and that the applicants have been managers since then and recently became owners.

The Chairman asked the applicants to explain how they collected the signatures needed for Attachment # 2 because there were many forms submitted. Mr. Kupersmith asked if the Board received the letter of certification from The Election Board. The Chairman confirmed they did receive the letter. The applicants needed ten (10) signatures certified from The Election Board so they acquired extra signatures in order to get the ten (10) required.

The Chairman asked about the Fire Safety Inspection Report, the copy they submitted to the Board was illegible. Mr. Glover testified about the two (2) inspections they had from the Fire Marshalls. The first inspection required some minor fixes to be made and the second inspection passed. The Chairman asked the applicants to submit a legible copy to the Board.

Mr. Kupersmith gave statements with regard to the application. Mr. Kupersmith testified that the applicants have been a part of the business since 2014 as managers and now owners. Mr. Kupersmith testified that significant improvements have been made to the location over the years. Mr. Hardy testified that their other business Composite Yacht that is down the road would be connected with this business, this location builds boats.

Mr. Kupersmith testified that there is a store attached to the marina, and this would be the location that holds the Class A license. Mr. Glover testified about the store, explaining that it is a retail location and service center. The majority of sales are for boat parts, very little is for tackle, bait and alcohol. Mr. Glover further testified that for alcohol sales the store has a standalone cooler for six-packs and twelve-packs; this is more of an amenity to their clients and not the major focus of their business.

Mr. Kupersmith testified that this is a typical amenity that marinas have and it is not a heavily populated area therefore, it would not become a “corner store”. This would be serving a specific clientele and would not take away from any other locations that have a liquor licenses in the area.

Mr. Glover testified that they have been running the business since 2014. Mr. Hardy testified that all the staff have stayed up-to-date on all their TIPs Certifications and they have had no alcohol code violations during their time of running the business. They have the same store manager who has worked at this location for 30 years under different owners; she has stayed Tips Certified and had no violations. Mr. Kupersmith testified that both applicants have been TIPs Certified as well as the other employees.

The Chairman asked the applicants to clarify if they are classifying the store as a dispensary, supermarket or convenience store. Mr. Kupersmith testified that it would be closely associated with a convenience store. Mr. Glover testified that the alcohol sales are not more than 25% of their total sales. The Chairman made note of the Alcohol Ordinance about the definition of a convenience store. The Ordinance states “Offer limited beer and light wine items occupying not more than twenty-five percent (25%) of the sales area. Convenience stores do not include locations that dispense petroleum products for motor vehicles.” The Chairman stated the Board would need to deliberate because of the mention of petroleum sales.

Mr. Kupersmith testified that his interpretation of the intent of the ordinance is to limit the number of gas stations that would have alcohol sales. Mr. Kupersmith further testified he knows a few

locations in Talbot County that were grandfathered in to allow the sale of alcohol at the gas stations. Mr. Kupersmith testified that he interprets motor vehicle to mean cars and truck not boating vessels. Mr. Kupersmith testified that when the license was originally issued that it was deemed the appropriate license for this establishment. Mr. Glover testified that they will not be expanding alcohol sales from what was previously there, in fact they will be decreasing the amount they sale.

The Chairman asked the applicants to clarify the types of snacks they would be selling at this location. Mr. Glover testified that they sell “typical snacks” such as chips, candy, ice cream, crackers, coffee, sandwiches, hotdogs and things of this nature approved by the Health Department.

Commissioner Fike asked about the other marinas in the area. Inspector Gottschalk testified that most Marinas have a Class G license for clubs. Alternate O’Neil testified that Fair Banks Bait and Tackle has a Class A license that is similar to this application that was grandfathered in.

The Chairman testified of the importance of caution, safety and insurance of alcohol in a marina environment. The Chairman testified about how the premises goes beyond the store and they will need to be mindful of this because as licensees they are accountable for anything that occurs on their premises.

There being no further discussion, the following motion was made:

- Motion made by Commissioner Bridges, seconded by Commissioner Fike to approve the Transfer of a Class A liquor license Application pending submission of a legible passing Fire Safety Inspection. Motion passed unanimously.

Old Business

The Chairman discussed the application for 4 Dogs Brewing with Chairman Gottschalk. The Board is still trying to get clarification on if the Class 7 license will allow them to sell their beer off-sale. The Chairman asked Inspector Gottschalk if all license holders are required to buy alcohol from a wholesaler. Inspector Gottschalk testified that Comptroller Franchot created a license class to help smaller craft breweries who could not work with wholesalers. Inspector Gottschalk testified his interpretation is that 4 Dogs Brewing should be able to use the Class 7 license from the State with proper paperwork. Inspector Gottschalk testified that there is conflicting legislation in the laws between our County Code and the State.

The Chairman testified that he is looking for written documentation, executive order or legislation from the Comptroller's office stating that they may use this Class 7 license to sell off-sale. The Board agreed the application would stay pending until they receive more information.

Liquor Inspector's Report

Inspector Gottschalk briefed the Board as to ongoing County liquor inspections. There is no new information to report; no major violations occurred.

Inspector Gottschalk wanted to discuss the MALA conference occurring October 15th – 17th in Ocean City; Inspector Gottschalk encouraged the Board to attend because the conference has been very beneficial.

Inspector Gottschalk testified that Easton and Cordova volunteer fire departments would be working with him to hold a few TIPs classes. Inspector Gottschalk testified that the TIPs system seems to be getting better however, the Scan Tron machine is still not working and they are being graded manually. The letter the Board approved regarding TIPs class receipts will work for our county and has been given to Mr. Terry Ober who teaches TIPs classes. Inspector Gottschalk will be tracking the turn around time for the TIPs scoring and cards being sent. Inspector Gottschalk testified that he was informed TIPs would be giving Maryland test priority.

The Chairman asked if the letter will help with inspections. Inspector Gottschalk testified that inspections have been lenient with regards to the TIPs classes. COMAR would possibly be drafting legislation to allow online TIPs classes.

Schedule of Fees for FY2025 – Review and discuss the fee structure for FY2025

The Chairman discussed the budget that was put together for the upcoming year. The Board received a request to review fees for the upcoming year from the finance department. The Chairman will discuss this further with Martha Sparks about the fees for the license and get more information.

There being no further business to discuss, the Board moved to adjourn.

- Upon motion by Commissioner Fike, seconded by Commissioner Bridges, there being no further business to discuss, the Board voted unanimously to close the meeting at 11:02 a.m.