

August 19, 2025

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m., with the following present: Ronald H. Fithian, President, Albert H. Nickerson, and John F. Price. The meeting was convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent for those affected by the unrest and wars around the world.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, were also present.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners, by unanimous vote, approved all ten consent items as presented:

1. Regular Session Minutes, August 05, 2025
2. Liquor Minutes, August 05, 2025
3. Public Hearing Minutes, August 05, 2025
4. Public Works (PW) – Environmental Operations Division (EOD)– Bayside Landing Public Event 2025 Bikefest. The Sons of the American Legion Post #228 requested approval to use the entire Bayside Landing Park facility
5. PW – EOD – Wood Waste Mobile Grinding Contract with Chesapeake Landscaping Materials LLC, in the amount of \$59,850.00
6. Chestertown Lions Club, Raffle Only, August 20 – December 31, 2025
7. Kent County Youth Soccer, Raffle Only, September 6, 2025
8. Republicans of Kent County, Raffle Only, September 7, 2025
9. Mis-Shore Chapter National Wildlife Turkey Federation (NWTf) Combination Multiple Gaming Devices, October 4, 2025
10. Ethics Commission Appointment: Travis Manning, term ending July 31, 2028

LEGISLATIVE SESSION

At 10:02 a.m., on a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into a legislative session.

Legislative Protocol: Three legislative bills were submitted for the Board's consideration. Mr. Yeager summarized each bill's intent and the options the Board could consider during the legislative process. Jill Coleman, Director of Parks and Recreation, was available to assist with the details and questions needed.

Third Reading and Vote - Code Home Rule Bill No. 5-2025 Ethics - AN ACT to repeal and reenact with amendments Chapter 29, Ethics of the Code of Public Local Laws of Kent County, Maryland. No written comments were received after the hearing date. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to adopt Code Home Rule Bill 5-2025.

Third Reading and Vote - Code Home Rule Bill No. 6-2025 Administration of Government- AN ACT to amend Chapter 3 Administration of Government, of the Code of Public Local Laws of

Kent County, Maryland, to increase the compensation of the County Commissioners BY repealing Chapter 3, Administration of Government, Article I, General Provisions §3-2 Terms and Compensation, and reenacting with amendments herein. No written comments were received after the hearing date. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously rejected Code Home Rule Bill 6-2025 as presented and directed staff to draft legislation to establish a Compensation Commission to evaluate the annual salary of the next Board of County Commissioners.

First Read and Introduction – Code Home Rule Bill No. 7-2025 Parks and Recreation - AN ACT to update the Parks and Recreation Advisory Board of the Code of Public Local Laws of Kent County, Maryland, by repealing and replacing Chapter 42 Parks and Recreation Advisory Board for the purpose of clarity throughout the chapter. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of Code Home Rule Bill 7-2025 and for the Bill to be scheduled for a public hearing.

This concluded the legislative matters for discussion and action. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to return to the regular session at 10:11 a.m.

HOME PARTNERSHIP OF CECIL COUNTY, INC. - MILLINGTON SENIOR VILLAGE

Frank Hodgetts requested a letter of intent. The purpose of the letter of Intent (“Agreement”) is to set forth the interest of the Home Partnership of Cecil County, Inc. (“Developer”) to borrow from Kent County Commissioners (Lender”) up to \$425,000.00 to pay for construction costs of the Millington Senior Village project located at 172 Sassafras Street, formerly known as the Millington Elementary School. The Developer is requesting funds as may be necessary to complete such Project once approved by the Maryland Department of Housing and Community Development (DHCD) /Community Development Administration (“CDA”). Supporting document was provided. Discussion occurred regarding the loan interest, Town of Millington collateral, and additional language that must be included in the letter of intent. No action was taken. The letter of intent will be considered at the August 29th meeting.

PLANNING, HOUSING, AND ZONING

Robert Tracey, AICP, Associate Planner, of Planning, Housing, and Zoning, requested approval of the Preliminary Report for the Certificate of Public Convenience and Necessity (CPCN) Application of Herman Highway Solar 1, LLC, for the installation of a 3 MW Utility-Scale Solar Energy System. On May 28, 2025, LaBella Associates, in accordance with COMAR 20.79 pre-application consultation requirement, submitted to the Department of Planning, Housing, and Zoning, materials for a proposed 3 MW utility-scale solar energy system that will occupy, including panels, fencing, and landscaping, approximately 29 acres. The submitted materials included a concept site plan depicting the proposed solar array, perimeter fencing, and outlines of the landscape buffer; and a draft Environmental Review Document that included a glare analysis, summaries of consistencies with the Kent County Comprehensive Plan and the county-wide standards for utility-scale solar energy systems, and information on the cultural and natural features

of the site and the surrounding area. The designated applicant is Herman Highway Solar 1, LLC, and the site location is on Augustine Herman Highway near 11760 Augustine Herman Highway, Kennedyville, MD. The 85-acre property is split-zoned Agricultural Zoning District (AZD) and Village (V) adjacent to Kennedyville. In accordance with COMAR 20.79.01.05, the applicant has requested a preliminary report from Kent County containing (a) a statement or finding whether the proposed project is consistent with the current comprehensive plan of the county or municipal corporation; (b) a statement or finding whether the proposed project is consistent with the current zoning ordinance of the county or municipal corporation, and (C) suggestions for improving or modifying the application before submission of the application with the Public Service Commission. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the preliminary report as presented.

HUMAN RESOURCES

Jennifer White, HR Business Partner, Human Resources, submitted a proposal to amend the Kent County Employee Handbook policy. A new County Fleet Usage and Driver Safety policy will replace the current policy. Documentation was provided. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the amended Fleet Usage and Driver Safety Policy and adopted Resolution 2025-14.

Vauné Johnson, HR Specialist, Human Resources, requested approval of the recommended candidate to fill the Environmental Operations, MEO II vacancy in the Public Works Division. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners approved the conditional offer of employment to the recommended candidate.

COUNTY ADMINISTRATOR

On July 14, 2025, a letter from the State of Maryland Office of the Attorney General (OAG) was received inviting Kent County to join the Purdue/Sackler Settlement, which is a part of Purdue's bankruptcy proceedings. Kent County is estimated to receive \$103,706.23 in direct funds and \$186,671.22 in abatement funds for an estimated total of \$290,377.45. These funds will be received over fifteen years and must be used in accordance with the County's Local Abatement Plan (recently signed). The State recommends using the same percentages as previously agreed upon, and the local jurisdictions agree. Maryland's estimated potential total share, to be divided among the State and its subdivisions, is approximately \$96,100,00.00 (about 2.11 percent of the national abatement amount). The settlement also provides injunctive relief that will help protect Marylanders from future harm. The OAG recommends the settlement. The County Administrator has previously signed settlement documents electronically and is requesting approval, allowing for signing authority for this settlement as well. The Participation Package, the letter from the State of Maryland Office of the Attorney General (including Exhibit A), and the Subdivision Participation and Release Form (Exhibit K) were available for review. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved participating in the New National Opioids Settlement in association with the Purdue/Sackler Settlement, and to

delegate signature authority to the County Administrator, allowing the signing of the Subdivision Participation and Release Form.

COMMISSIONERS' COMMENT

Commissioner Fithian read a joint letter from Captain Brian Hardman, President, Maryland Charter Boat Association, and Captain Robert Newberry, Chairman, Delmarva Fisheries Association, requesting that the Commissioners send a letter of opposition to the Atlantic Striped Bass Addendum III to Amendment 6 Department of Natural Resources Laws and Regulations. Discussion took place. On a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to send a stern letter of opposition.

Commissioner Nickerson gave an overview of the discussions at the Annual Maryland Association of Counties (MACo) summer conference, which took place from August 13 to 16, 2025. Commissioner Nickerson participated in numerous discussions, including those on the Maryland Department of Transportation, the new Bay Bridge crossing, solar companies, Chesapeake Bay, and the Susquehanna/Conowingo Dam. The Board collectively commented on the funding for Maryland's Blueprint for Education.

PUBLIC COMMENT

The procedures for public comment were in place. No comments were made.

FOR YOUR INFORMATION

Robert Peoples, Water Supply Program, Maryland Department of the Environment, provided the County with a permit decision as the local public official. On July 29, 2025, the Water and Science Administration (Administration) issued Water Appropriation and Use Permit No. KE2025G001(01) to Lester C. Jones & Sons, Inc., to appropriate and use an annual average of 58,000 gallons of water per day (gpd) and an average of 667,000 gpd during the month of maximum use for crop irrigation at the Bayer farm. The withdrawal may exceed an annual average of 58,000 gpd if the total withdrawal between this use and the existing permit KE1992G021(07) does not exceed an annual average of 116,000 gpd. Water is to be withdrawn from one well in the Magothy aquifer. The site is located at 32545 Galena-Sassafras Road, Galena, Kent County, Maryland. The letter was available for review.

The County received a notice as a contiguous owner or the appropriate local official. Daniel McHenry has applied for a Permit to Appropriate and Use Waters of the State, which has been assigned permit application number KE2025S005/01. The applicant seeks to appropriate and use an annual average of 48,000 gallons per day (gpd) and a maximum daily withdrawal of 1,150,000 gallons for crop irrigation. Water will be withdrawn from one intake on Morgan Creek. The project is at 11653 Augustine Herman Highway, Kennedyville, Kent County, Maryland. A copy of the letter was available for review.

Bill Mackey, Director of Planning, Housing, and Zoning, submitted a memorandum on August 19, 2025, highlighting typographical and formatting corrections to the Unified Development Ordinance. Documentation was provided and available for review.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners received a copy of the final ARPA Spend Plan report.

CONTINGENCY FUND

The FY2026 Contingency Fund balance as of August 5, 2025, is \$340,521.00. The use of Fund Balance was \$13,953.00.

At 11:06 a.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved to go into closed session.

CLOSED SESSION

At 11:06 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session. The meeting was closed under the Annotated Code of Maryland, General Provisions Article §3-305 (b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; and (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Dennis Hickman, Sheriff, and Harry Kettner, Captain, Kent County Sheriff's Office; Jennifer White, HR Business Partner, and Vauné Johnson, HR Specialist, Human Resources; Pat Merritt, Chief Finance Officer, Office of Finance; Sondra M. Blackiston, Clerk, and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL AND PUBLIC SAFETY

Staff of the Kent County Sheriff's Office (KCSO), Human Resources (HR), and Office of Finance joined the closed session to discuss the matter noted below.

Topics to be discussed: To discuss current staffing levels and the restructuring of the daily operation of a safety facility.

Reasons for closing: Personnel safety matters related to staffing capacity and restructuring of the daily operation of the safety facility should be private and confidential.

Discussions were held regarding personnel matters related to staffing of a safety facility. At 12:09 p.m., Ms. White and Ms. Johnson were excused from the rest of the closed session. All other people remained. Further discussions continued concerning staffing and the operations of the safety facility.

At 12:42 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Upon returning to open session, Commissioner Price summarized a discussion. In closed session, the Commissioners engaged in a lengthy discussion with staff members and the County Attorney regarding a public safety facility. As a result of those discussions, Commissioner Price stated he was ready to make a motion for the Board's consideration.

On a motion by Commissioner Price, move forward with contractual services agreement for all future incarcerated individuals at the Kent County Detention Center with neighboring detention facilities. The current detention center will be maintained for future County use and will operate at a reduced correctional facility with the following responsibilities:

1. Perform 24-hour intake of committed incarcerated individuals. No incarcerated individual will be held longer than 6 hours and will be transported as soon as practical, but within 6 hours, to neighboring county detention centers.
2. Operation of 24-hour transportation units that will be available for incarcerated individuals. Transportation needs include movement and court appearances as ordered by the courts.
3. The current Kent County Detention Center will continue to be responsible for oversight of both the pre-trial release program and the home detention program. No current employee who has not met the eligible years of service will suffer any loss of compensation or benefits.
4. As a cost-saving and business approach, a voluntary employee retirement incentive plan will be presented at a later date to eligible employees identified by the County. The Human Resources department will administer this program.
5. Everything as outlined in this motion shall be implemented either by June 30, 2026, or before.
6. The County will schedule a public informational meeting at a later date to inform the public why and how this is being done.

The motion received a second from Commissioner Nickerson. Commissioner Fithian was opposed, and the motion passed by a majority vote.

At 12:51 p.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 26, 2025, at 10:00 a.m.

Regular Session Minutes
August 19, 2025
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Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

Ronald H. Fithian, President,
The County Commissioners
of Kent County, Maryland

August 19, 2025

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, Albert H. Nickerson, and John F. Price.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, August 5, 2025.

At 12:51 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 26, 2025, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland