

March 11, 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 and pray for the unrest around the world.

Daniel Mattson stood in for the County Administrator, and Thomas N. Yeager, County Attorney, was also present.

PUBLIC NOTICES

Commissioner Fithian read the adoption notice for Code Home Rule 9-2024 Fox Hunting Club Dog Kennel. This legislation was adopted with amendments on March 4, 2025, and its provisions will take effect on March 14, 2025.

Commissioner Fithian read the adoption notice for Code Home Rule 10-2024 Construction Trades Board. This legislation was adopted without amendments on March 4, 2025, and its provisions will take effect on April 18, 2025.

CONSENT ITEMS

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

1. Regular Session Minutes, March 4, 2025
2. Liquor Minutes, March 4, 2025
3. Kent County Social Services Advisory Board Member Composition

SPECIAL RECOGNITION

Endometriosis Awareness Month – March 2025: In Kent County, March is Endometriosis Awareness Month. Shannon Hannawald gave an overview of the disease and shared the mission of Endo Warriors. Commissioner Fithian read the proclamation into the record and presented the certificate to Ms. Hannawald.

COMMISSION ON AGING

Carolyn Sorge, Chair, and Gwen Spicer, Member, Commission on Aging, presented the 2024 Annual Report and gave an overview of the organization's and Upper Shore Aging's anticipated challenges in FY2026.

KENT COUNTY PUBLIC LIBRARY - LIBRARY OF TRUSTEES

Robert Bell, Executive Director of Kent County Library, requested approval to appoint the recommended candidate to fill the Library of Trustees' vacancy. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners appointed Bruce Riedel.

KENT COUNTY DETENTION CENTER

Roland Sheppard, Director of Operations, and Steve Wallace, Captain of Kent County Detention Center (KCDC) discussed an addendum for the Telehealth Medication Assisted Treatment (MAT) Program. The KCDC MAT Program began in 2022. The program was started to comply with the State's 2019 HB-116 that mandates all Correctional agencies provide treatment with medications for incarcerated individuals with an Opioid Use Disorder (OUD). A Memorandum of Understanding (MOU) with the University of Maryland was established, and clinical services to the KCDC began on January 19, 2022. As of July 2023, Prime Care Nurse has been providing services for the MAT program without compensation in anticipation of the County hiring a MAT program nurse. With the County unable to acquire a nurse, the funds have been moved from the grant to the contractual. With the possible increase in participants, for an average of five (5) new OUD-diagnosed patient intakes per month, and the funding being provided by the FY2025 Performance Incentive Grant Fund (PIGF) Grant, this addendum will provide payment for those services to Prime Care. KCDC was awarded a (PIGF) grant in the amount of \$226,396.00 to fund the program, which expires on June 30, 2025. The County has just applied for the Maryland Office of Opioid Response in the amount of \$189,717.00 to fund the FY2026 program, which includes up to \$55,980.00 for a licensed practical nurse to administer medication and monitor progress through assessments and screening as well as to collect and report on nursing data. This addendum will increase what Kent County already pays by \$44,783.00 annually or \$3,731.96 a month to provide an additional sixteen (16) hours per week of nursing services. This cost will increase by no less than 3% annually, consistent with the terms already set in the original Prime Care Contract. The terms of this Addendum will also continue in accordance with the terms of the original Prime Care Contract. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Prime Care Addendum to provide a Medication Assisted Program Nurse.

PARKS AND RECREATION

Jill Coleman, Director, and Marva Kumpf, Deputy Director of Parks and Recreation (KCPR) discussed pool management options. Recruiting lifeguards continues to be challenging to keep the County's three (3) pool sites and the Betterton beach operating since COVID began in 2020. The normal hiring of thirty (30) lifeguards pre-COVID has decreased drastically over the past four years, and it continues to be a significant challenge for the summer 2025 aquatics season. During the summer of 2024, Millington Pool operated at a reduced capacity. Lifeguards were frequently pulled from Betterton Beach and Bayside Pool to cover other sites, and the Kent County Community Center Pool ran at limited capacity most weekends due to the lifeguard shortage. For the summer 2025 season, KCPR has secured nine (9) lifeguards. Without a proactive solution, KCPR risks further reductions in service, site closures, and safety concerns. Should this request be approved, no additional funding beyond what is currently allocated will be necessary. All required resources fall within the existing KCPR budgetary limits. Discussion took place. Commissioner Price asked staff to compare the current expenses of pools at Millington, Rock Hall, and the Community Center versus what comes in from the proposed bids. Staff were requested to present the current Millington costs. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the

request for staff to move forward with the bid process that will be evaluated to determine if there is a cost-benefit to doing it as proposed.

PLANNING, HOUSING, AND ZONING

Mark Carper, LEED Green Associate and Associate Planner of the Planning, Housing, and Zoning Department (PHZ), discussed a preliminary report for a Certificate of Public Convenience and Necessity (CPCN) application. On December 18, 2024, Kimley-Horn and Associates, Inc., in accordance with the COMAR 20.79 pre-application consultation requirement, submitted to PHZ materials for a proposed 5 MW utility-scale solar energy system that will occupy – including panels, fencing, and landscaping – approximately 77 acres. The submitted materials include a concept site plan depicting the proposed solar array, perimeter fencing, and outlines of the landscape buffer and a draft Environmental Review Document that includes a glare analysis, summaries of consistency 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 surrounding area. The designated applicant is TPE MD KE77, LLC, and the site location is at 12721 Bloomfield Road, Kennedyville, MD, owned by Miriam Prickett South, LP. The 304-acre property is zoned Agricultural Zoning District (AZD) and is approximately 1.25 miles east of 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. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the letter as drafted and presented.

HUMAN RESOURCES

Jim Miller, Director, and Rachel Morlock, Administrative Specialist I, of Human Resources, requested approval for a conditional offer of employment to fill the Enforcement Officer vacancy in the Planning, Housing, and Zoning Department. Discussion took place, but no action was taken.

Mr. Miller requested approval to create a new Water and Wastewater Division position. This proposed position would serve as a bridge between the Utilities Technician and Plant Operator job series. The Division currently offers a structured framework for career progression, and this new position would further enhance that pathway, supporting employee growth and success. Currently, the Plant Operator position requires individuals to hold State of Maryland licenses and complete a specified number of supervised hours under a Superintendent. The introduction of the Plant Operator-in-Training role would provide employees with an opportunity to advance in their careers while meeting the necessary qualifications for Plant Operator I, as they would already be performing duties at that level. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the new position of Plant Operator-in-Training.

PUBLIC WORKS

Dan Mattson, Director of Public Works, requested approval of the following:

- Enterprise Fleet Management – Self-Insurance Addendum to Master Equity Lease Agreement – Water and Wastewater Division. The Commissioners previously approved the purchase of a new F350 Crane Truck for the Division. Enterprise reviewed the County's liability insurance status on file. Based on this review, the high aftermarket cost, and inherent risks involved with the vehicle's operation, it was determined that an addendum would be required. This addendum outlines specific insurance limits that must be maintained for the vehicle and confirms that the County will meet them. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Self-Insurance Addendum to Master Equity Lease Agreement with Enterprise Fleet Management.
- FY2025 Surface Treatment Contract – Roads Division - To piggyback an existing competitive bid to surface treat and patch various projects. The contract covers all services, including CRS2 emulsion (tar), stone application, traffic control, and road sweeping before the tar and chip operation. These contracted services free up employees to handle daily roadway duties. The Division's budget supports this request. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the piggyback contract with American Paving Fabrics, Inc. for surface treatment services of roads in the amount of \$336,377.25 under existing Howard County, Maryland Contract Number 4400004869.
- FY2025 Roadway Line Striping Contract - Roads Division - Line striping roadway projects include treated and paved roadway surfaces. The County is responsible for all County roads to be line-striped. As done in previous years, the Division proposes to piggyback on the current competitively bid contract. The State Highway Administration (SHA) /Maryland Department of Transportation (MDOT) contract will expire on December 31, 2025. The Division's budget supports this request. Discussion took place. On a motion made by Commissioner Fithian and seconded by Commissioner Nickerson, the Commissioners unanimously approved staff to piggyback on the SHA/MDOT Contract No. XY2505G77 with Alpha Space Control Company, Inc. for roadway line striping not to exceed the amount of \$50,000.00 under the same pricing, terms, and conditions of SHA/MDOT with no option to renew.
- FY2026 Weed Control – Amendment to SHA Agreement – The County's Weed Control department operates under an annual Project Task Agreement (PTA) with the State Highway Administration (SHA), which funds weed control activities/treatment on State Roads. The original agreement provided total funding of \$21,300.00 to be spent at a rate of \$150.00/hr. for a two-person crew. In addition to payment, SHA also provides traffic control and herbicides for this activity. During the fall of 2024 spraying season, it was determined that the amount of funding in the original agreement would not be sufficient for the full FY2025. After some coordination, SHA advised that activities should continue at the current rate, and an amendment would be prepared to increase funding before the Spring season. With the original contract value nearly 100% expended, this amendment provides funding to support Spring Weed Control

activities on State Roads. The amendment increases the total funding by \$10,500.00 to a total of \$31,800.00. This will fund 70 hours of Weed Control activities in Spring 2025. All other aspects of the original agreement will remain valid. Absent State funding, weed control activities are limited to County-Funded treatment of County Roads and privately funded weed control on private property. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the First Amendment to Project Task Agreement # KE-004 Weed Control between the Maryland Department of Transportation State Highway Administration and Kent County, Maryland.

Mr. Mattson was joined by Mike Moulds, Consultant/Contractor, to discuss the Millington Senior Housing and Future Water and Wastewater site soil issue. A lengthy discussion took place regarding the excess soil and removing the soil.

LETTERS OR DOCUMENTS FOR SIGNATURE

- Library of Trustees – Thank you for your service letter for Margaret “Peggy” McKee.
- Little Neck Farm Homeowner’s Association, Inc. - Hold Harmless Agreement for Little Neck Farm Pier
- Kent Soil and Water Conservation District – Certificate of Recognition for Fabio Terlevich for FY2024 Cooperator of the Year.
- Letter of Response to Municipalities for Property Tax Setoffs in Kent County, Maryland - On March 4, 2025, the Board discussed and approved a draft response regarding a Tax Setoff study. A final letter for signature was prepared for each municipality.

PUBLIC COMMENT

The procedures for public comment were in effect. David Foster, Mayor of Chestertown, asked to receive the Tax Rebate Response letter before the meeting concluded.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

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

CONTINGENCY FUND

The FY2025 Contingency balance as of March 4, 2025, is \$115,464.00. The FY2025 use of Fund Balance is \$499,902.00.

CLOSED SESSION

At 11:50 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; (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation. There will be two (2) separate matters discussed.

Dan Mattson, Director, Public Works; Thomas N. Yeager, County Attorney; Jim Miller, Director, and Vaune Johnson, HR Specialist, Human Resources Department; Sondra M. Blackiston, Clerk/KATE Manager; and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL

Topics to be discussed: A personnel recommendation.

Reasons for closing: To shield an individual's job performance and a specific employment recommendation.

At 11:54 a.m., Jim Miller, Director, and Vaune Johnson, HR Specialist from the Human Resources department, joined the closed session. Mr. Miller and Dan Mattson, the Director of Public Works, offered a personnel recommendation.

Mr. Miller and Ms. Johnson departed at 12:00 p.m. All other persons remained.

MATTER NO. 2: LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

Topic to be discussed: The legal opinion of the County Attorney concerning pending or potential litigation matters and to consult with staff regarding the matter.

Reason for closing: Legal advice from the County Attorney is private to the public and is meant to shield specific details of pending or potential litigation, and information provided by staff regarding the matter should be shielded.

Carla Gerber, Deputy Director of Planning, Housing, and Zoning (PHZ), joined the closed session. This matter was discussed in closed sessions on July 9, 2024, August 27, 2024, and October 22, 2024. Thomas N. Yeager, County Attorney, further explained specific details of the Peacock Corner community solar project and the next steps in the process. Attorney-to-attorney communications have been ongoing. Mr. Yeager offered legal advice concerning preemption, opposition, and project concessions and conditions. Ms. Gerber conveyed Mr. Mackey's (Director of Planning, Housing, and Zoning) recommendation.

At 12:11 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson; the Commissioners unanimously adjourned the closed session and reconvened in open session.

OPEN SESSION

Commissioner Price stated that the Board had discussed two matters in a closed session.

MATTER NO. 1 PERSONNEL

On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously agreed to promote the recommended individual to fill the newly created position of Operating in Training at the proposed salary.

MATTER NO. 2 LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

A legal matter was discussed with the County Attorney and the Planning, Housing, and Zoning staff. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously agreed that no action is required. The legal briefing will continue; the decision will be in the hands of the Judge.

Commissioner Fithian requested a report on a recent roof leak at Vickers Drive. Mr. Mattson provided updates on the progress of the repairs. Additionally, Commissioner Fithian raised concerns about mound systems on property owned by Herman Hill. Recent developments have emerged regarding the status of these systems, which may require a revision of the Comprehensive Water and Sewer Plan. Mr. Mattson will investigate this issue further.

At 12:25 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, March 18, 2025, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 11, 2025

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

Dan Mattson, Director of Public Works, stood in for the County Administrator, and Thomas N. Yeager was 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, March 4, 2025.

At 12:25 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, March 18, 2025, at 6:00 p.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