

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND
AGENDA**

December 20, 2022

6:00 PM Call to Order/Pledge of Allegiance/Moment of Silence

Meeting Announcements

Time Is Allotted At The End Of Each Meeting For The Commissioners To Receive
Comments From The Public

Consent Items

#1 - Regular Session Minutes, December 13, 2022

#2 - Liquor Minutes, December 13, 2022

#3 - Closed Session Minutes, December 13, 2022

Special Class C Licenses

Galena Volunteer Fire Company, Multiple Event, Beer, Wine, and Liquor, January 1, 2023 -
December 31, 2023

Proclamations

LaMonte Cooke, Reverend Dr. Martin Luther King, Jr. Proclamation

Reverend Dr. Martin Luther King, Jr. Proclamation

Sue Nickerson, Executive Director, MD C.O.P.S., Law Enforcement Appreciation Day

Law Enforcement Appreciation Day Proclamation

County Attorney - CANCELLED

Thomas N. Yeager, County Attorney - CANCELLED

CANCELLED - Administrative Hearing Protocol

Administrative Hearing - CANCELLED

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement - CANCELLED

CANCELLED

Alleged Alcoholic Beverage Violation

Donna J. Legg, General Partner

Tori N. Bershon, Limited Partner

The Backfin, LP T/A The Backfin

Class A, Beer, Wine, and Liquor License with Beer, Wine, and Liquor Tasting (BWL T)

Kent Alcohol and Tobacco Enforcement KATE

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement

Kent County Health Department Memorandum of Understanding

Appointments

James Saunders and Undra Patrick

Data Centers

Departmental Appointments

Rosemary Ramsey Granillo, Director, Local Management Board and Penny Young-Carrasquillo, Grants Manager

Maryland Department of Housing and Community Development Connected Devices Grant Application

County Administrator

Shelley Heller, County Administrator

Full-Time Facility Monitor Vacancy

Shelley Heller, County Administrator

Emergency Services, Full-Time Paramedic Vacancy

Shelley Heller, County Administrator

Emergency Services - EMT-B Vacancy

Shelley Heller, County Administrator

Planning, Housing, and Zoning, GIS Specialist Vacancy

Jesse Parks, President, KRM Development Corporation

Lease Proposal, 125 S. Lynchburg Street

Kent County Public Library

Board of Library Trustees

Ken Kozel, CEO, UM Shore Regional Health

Letter of Support

County Administrator Report

Work Session Announcement

Work Session Scheduled For January 10, 2023

2:00pm Comprehensive Rezoning Task Force Discussion

2:30pm Blueprint Funding Discussion

Public Comment/Media Review

Procedures For Public Comment

For Your Information

Computer and Christmas Tree Recycling Offer for Kent County Residents

Kent County Environmental Operations Division at 410-778-2600

American Rescue Plan Act Funds

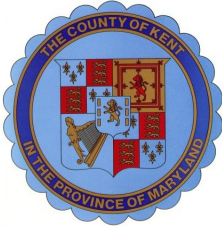
American Rescue Plan Act (ARPA) Funds Spend Plan

Contingency Fund

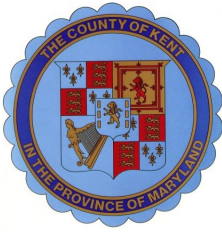
Contingency and Use of Fund Balance Report

(Meetings are conducted in Open Session unless otherwise indicated. All or part of County Commissioners' meetings

can be held in closed session under the authority of the MD Open Meetings Law by vote of the Commissioners. Breaks are at the call of the President. Please note that times listed for specific items on the agenda are only estimates, and that the order of agenda items may change as time dictates or allows. Meetings are subject to audio and video recordings.)



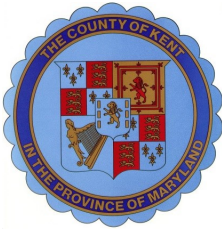
**Time Is Allotted At The End Of Each Meeting For The Commissioners
To Receive Comments From The Public
12/20/2022
County Commissioners Meeting**



#1 - Regular Session Minutes, December 13, 2022
12/20/2022
County Commissioners Meeting

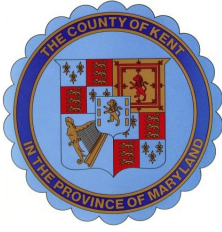
ATTACHMENTS:

Description



**#2 - Liquor Minutes, December 13, 2022
12/20/2022
County Commissioners Meeting**

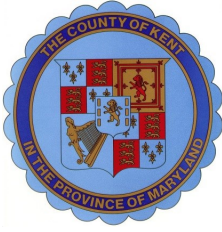
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**#3 - Closed Session Minutes, December 13, 2022
12/20/2022
County Commissioners Meeting**

ATTACHMENTS:

Description



**Galena Volunteer Fire Company, Multiple Event, Beer, Wine, and
Liquor, January 1, 2023 - December 31, 2023
12/20/2022
County Commissioners Meeting**

ATTACHMENTS:

Description

4860 Galena Volunteer Fire Company, Application

12.08.22 Galena Volunteer Fire Company Completed Education Form

#4860

FIRE COMPANY APPLICATION FOR A SPECIAL CLASS "C" (MULTIPLE EVENT) LICENSE

Application is made by the undersigned under the provisions of Sections 4-1202, 4-1208, 24-503, 24-1301, 24-1307, 24-1309 and 24-1310 of the Alcoholic Beverage Article, for a Special Class C (Multiple Event) License.

Permit includes: Beer, Wine, and Liquor Sales

We submit and certify to the following information and statements as required.

1. The Fire Department/Company on behalf of which the license is desired:

Galena Vol Fire Co. Inc.

Address 90E. Cross St. P.O. Box 189, Galena MD. 21635

Select **One** and Initial your choice:

Twelve (12) Events per Year (\$200.00) ☒

Initial selection: EKD

Twenty-four (24) Events per Year (\$400.00) ☐

Initial selection: _____

2. This function is operated on Fire Department/Company grounds and is exclusively for the Fire Department/Company.

3. The applicants are citizens of the United States, not less than twenty-one years of age, and have never been convicted of a felony.

4. The applicants have not had a license for the sale of alcoholic beverages revoked.

5. Have the applicants ever been adjudged guilty of violating the laws for the prevention of gambling in the State of Maryland and/or adjudged guilty of violating the laws governing the sale of alcoholic beverages in the State of Maryland or the United States? ____ Yes or No

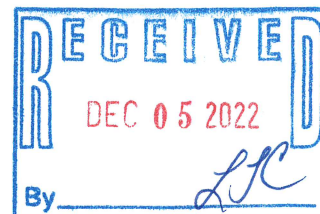
6. The applicants will, if granted a license, conform to all laws and regulations relating to the business with respect to which such license is desired.

7. The applicants submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners (if any) for the aforesaid County, its duly authorized agents and employees, and any peace officer of said county, to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the premises where said business is to be conducted, at any and all hours.

Please Select One:

☐ Pick Up

☒ Mail Permit (will be mailed to above address)



8. Applicants

(1) Steven Bisbee 31873 Grifthill Hunters Run, Galena, MD. 21635
Name Residence
12 years President 410-648-5050
Length of Residence in Kent Co. Committee Title Phone No. (Signature of Applicant)

STATE OF MARYLAND

This certifies, that on the 18 day of November, 2022, before the subscriber, a Notary of the State of Maryland, personally appeared Steven Bisbee the applicant(s) named in the foregoing application and made oath in the due form of law that the statements therein are true to the best of (his, their) knowledge and belief.

WITNESS my hand and official seal.

Sheila M Beaton
Commission Exp 7-10-26

(SEAL)

(2) Ethel K. Duhamell 404 Jarman Ave Galena, MD.
Name Residence
68 yrs. Treasurer 410-648-5050
Length of Residence in Kent Co. Committee Title Phone No. (Signature of Applicant)

STATE OF MARYLAND

This certifies, that on the 18 day of November, 2022, before the subscriber, a Notary of the State of Maryland, personally appeared Ethel K. Duhamell the applicant(s) named in the foregoing application and made oath in the due form of law that the statements therein are true to the best of (his, their) knowledge and belief.

WITNESS my hand and official seal.

Sheila M Beaton Commission Exp 7-10-26

(SEAL)

(3) John W Duhamell Jr. 404 Jarman Ave, Galena MD.
Name Residence
69 years V. President 410-648-5050
Length of Residence in Kent Co. Committee Title Phone No. (Signature of Applicant)

STATE OF MARYLAND

This certifies, that on the 18 day of November, 2022, before the subscriber, a Notary of the State of Maryland, personally appeared John W Duhamell, Jr the applicant(s) named in the foregoing application and made oath in the due form of law that the statements therein are true to the best of (his, their) knowledge and belief.

WITNESS my hand and official seal.

Sheila M Beaton

(SEAL)

STATEMENT OF OWNER OF PREMISES REQUIRED IN CONNECTION WITH
ALCOHOLIC BEVERAGES LAWS OF MARYLAND

(I, WE) HEREBY CERTIFY, That (I am, we are) the owner(s) of the property named in the a foregoing application made to the aforesaid licensing authority for said county under the Alcoholic Beverages Laws of Maryland and assent to the granting of the license applied for, and hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners (if any) of said county, its duly authorized agents and employees, and any peace officer of such county, to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted, at any and all hours.

Stu Z Bisbee Signature (s)

Steven Bisbee Print Name

STATE OF MARYLAND, Kent County:

THIS CERTIFIES, that on the 18 day of November, 2022,
before the subscriber, a Notary of the State of Maryland, personally appeared _____
Steven Bisbee and acknowledged the execution of the foregoing
statement to be a true act.

WITNESS my hand and official seal.

Phyllis M Belton
Commission Exp 7-10-26

(SEAL)

The Board of License Commissioners of Kent County

P. THOMAS MASON
PRESIDENT
CHESTERTOWN, MD

RONALD H. FITHIAN
MEMBER
ROCK HALL, MD

ROBERT N. JACOB, JR.
MEMBER
WORTON, MD

R. Clayton Mitchell, Jr.
Kent County Government Center
400 High Street
Chestertown, Maryland 21620
TELEPHONE 410-778-7435

www.kentcounty.com/alcoholic-beverage

SHELLEY L. HELLER
COUNTY ADMINISTRATOR

THOMAS N. YEAGER
COUNTY ATTORNEY

BONNIE PEARSALL
INSPECTOR

SPECIAL CLASS "C" (MULTIPLE EVENT) LICENSE AFFIDAVIT

In applying for this Special Class "C" (Multiple Event) License it is important that you realize the responsibility that goes with the issuance of the license. All persons using this license as authorized under Sections 4-1202, 4-1208, 24-503, 24-1301, 24-1307, 24-1309 and 24-1310 of the Alcoholic Beverages Article of the Annotated Code of Maryland are covered by all the laws regarding the sale and consumption of alcoholic beverages. Special care should be taken to be sure the following edicts are adhered to:

1. All persons must be 21 years of age or older to sell, purchase, or consume an alcoholic beverage.
2. All sales and the consumption of alcohol must stop promptly at 2:00 a.m.
3. No intoxicated person shall be served any alcoholic beverages.
4. No unnecessary noise or disturbance that could be a nuisance to the community shall occur.
5. The person(s) responsible for the function must see that order and decorum are kept at all times.
6. The application must be completed by three committee members; one member must be a Kent County resident.
7. License must be prominently displayed at the location where alcohol is being served. Failure to comply with the laws of the State of Maryland may make the responsible person(s) subject to a fine.

This license may **ONLY** be issued to a Fire Department/Company. This license shall not be transferred or reassigned.

Cost of a Special Class "C" Multiple Event License is: **Twelve (12) Events per Year \$200.00 OR Twenty-four (24) Events per Year \$400.00** Make checks payable to: **The County Commissioners of Kent County**, along with the completed application.

Name of Fire Department/Company Galena Vol. Fire Company, Inc.

Address 90 EAST CROSS ST. P.O. Box 189, Galena MD. 21635

Name Ethel K. Duhamell Phone # 443-480-1749
(Please Print)

Ethel K. Duhamell Date 11/16/22
(Signature) Dreaseu



Special Class "C" (Multiple Event) License Affidavit

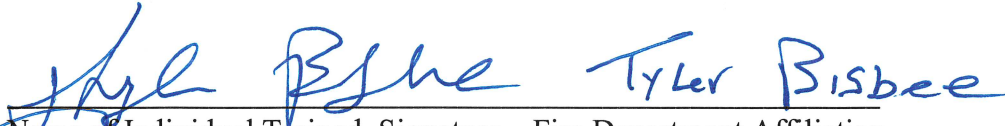
Page 1 of 6
11/08/2021

Steven Bisbee, President
John B...

STATE OF MARYLAND, ALCOHOLIC BEVERAGE DIVISION
Kent County, Local Licensing Authority

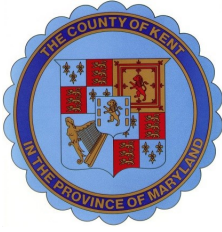
SPECIAL CLASS "C" (MULTIPLE EVENT) LICENSE EDUCATION

1. All persons must be 21 years of age or older to sell, purchase, or consume an alcoholic beverage.
2. A server who is certified by an approved alcohol awareness program shall be on the premises for which a multiple event license is issued when alcoholic beverages are served.
3. All sales and the consumption of alcohol must stop promptly at 2:00 a.m.
4. No intoxicated person shall be served any alcoholic beverages.
5. No unnecessary noise or disturbance that could be a nuisance to the community shall occur.
6. The person(s) responsible for the function must see that order and decorum are kept at all times.
7. License must be prominently displayed at the location where alcohol is being served.
8. This function is operated on Fire Department/Company grounds and is exclusively for the Fire Department/Company.
9. The number of days for which a multiple event license may be used by a single applicant may not exceed 24 per calendar year
10. Alcoholic beverages may be stored on the licensed premises between individual licensed events if the alcoholic beverages:
 - a. are in a specifically identified locked and secured locations
 - b. are not sold or consumed except during licensed event hours for event purposes
11. A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises. The records shall include pre and post inventory of all alcoholic beverages for each individual event. The records have a 2-year retention period and are subject to inspection.
12. The granting of the license authorizes the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for Kent County, its duly authorized agents and employees, and any peace officer of Kent County, to inspect and search, without warrant, the premises upon which the business is to be conducted at any and all hours.


Name of Individual Trained, Signature – Fire Department Affiliation


Alcoholic Beverage and Tobacco Inspector, Date

12/8/2022



LaMonte Cooke, Reverend Dr. Martin Luther King, Jr. Proclamation 12/20/2022 County Commissioners Meeting

Item Summary:

Reverend Dr. Martin Luther King, Jr. Proclamation

ATTACHMENTS:

Description

12.20.22 Proclamation, Reverend Dr. Martin Luther King, Jr.

Kent County, Maryland



Proclamation

Reverend Dr. Martin Luther King, Jr.
"We're All In This Together"
January 16, 2023

- WHEREAS,** Martin Luther King, Jr., was born on January 15, 1929, and in 1983, President Ronald Reagan signed a bill making Martin Luther King, Jr. Day a federal holiday. As a result, Americans commemorate Reverend Dr. Martin Luther King Jr.'s birthday on the third Monday in January of each year; and
- WHEREAS,** Rev. Dr. Martin Luther King, Jr.'s accomplishments as a clergyman, Nobel Peace Prize Recipient, author and advocate for securing the enactment of the 1964 Civil Rights Act, the 1965 Voting Rights Act and the 1968 Fair Housing Act emphasize the principles of equality as a cornerstone of our democracy; and
- WHEREAS,** On August 28, 1963, Rev. Martin Luther King, Jr. from the steps of the Lincoln Memorial in Washington, D.C. shared his dream with all Americans that all people can live and work together as one in "I Have A Dream" speech, that will forever inspire the victims of unfair discrimination.

NOW, THEREFORE, WE, THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND, do hereby proclaim January 16, 2023, as "**Reverend Dr. Martin Luther King, Jr. Remembrance Day**", in Kent County, and join the Chester Valley Ministries' Association, supported by Minary's Dream Alliance, Inc., and Washington College, to honor the memory of Reverend Dr. Martin Luther King, Jr. on this day.

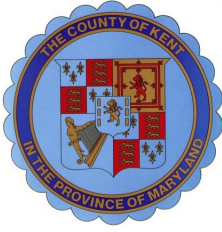
THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President


Albert H. Nickerson, Member


John F. Price, Member

December 20, 2022



**Sue Nickerson, Executive Director, MD C.O.P.S., Law Enforcement
Appreciation Day
12/20/2022
County Commissioners Meeting**

Item Summary:

Law Enforcement Appreciation Day Proclamation

ATTACHMENTS:

Description

12.20.22 Proclamation, Law Enforcement Appreciation Day

Kent County, Maryland



Proclamation

Law Enforcement Appreciation Day
January 9, 2023

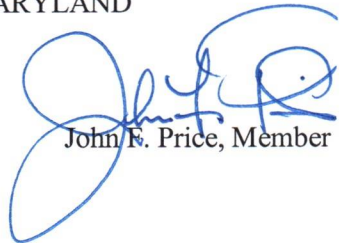
- WHEREAS,** The people of Kent County are proud of its dedicated police officers who put their lives on the line to keep our neighborhoods safe; and
- WHEREAS,** These courageous individuals are the first to arrive at an emergency scene and the first line of defense for the public against any threat; and
- WHEREAS,** Maryland appreciates the extraordinary efforts and sacrifices of our police officers and is especially indebted to those who have given their lives in service to others; and
- WHEREAS,** To show appreciation for all that are presently working, who have worked in the past, and to the Fallen in the Line of Duty; and
- WHEREAS,** Throughout the nation all citizens are encouraged to honor, recognize, and support our police officers who serve and live in our communities.

NOW, THEREFORE, WE, THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND, do hereby proclaim January 9, 2023, as "Law Enforcement Appreciation Day" in Kent County, and recognize and acknowledge the importance of bringing awareness to our community.

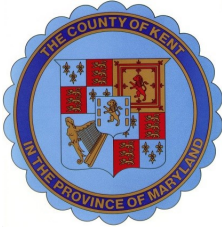
THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President


Albert H. Nickerson, Member


John F. Price, Member

December 20, 2022



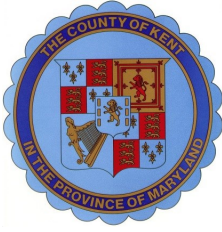
Thomas N. Yeager, County Attorney - CANCELLED
12/20/2022
County Commissioners Meeting

Item Summary:

CANCELLED - Administrative Hearing Protocol

ATTACHMENTS:

Description



**Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement -
CANCELLED
12/20/2022
County Commissioners Meeting**

Item Summary:

CANCELLED

Alleged Alcoholic Beverage Violation

Donna J. Legg, General Partner

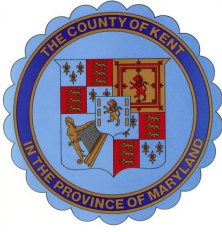
Tori N. Bershon, Limited Partner

The Backfin, LP T/A The Backfin

Class A, Beer, Wine, and Liquor License with Beer, Wine, and Liquor Tasting (BWLT)

ATTACHMENTS:

Description



Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement
12/20/2022
County Commissioners Meeting

Item Summary:

Kent County Health Department Memorandum of Understanding

ATTACHMENTS:

Description

12.20.22 Memorandum of Understanding (MOU) Between Kent County Health Department and Kent Government, FY2023 Tobacco Enforcement Program

Subgrantee Summary Form

FY 23 Kent

<u>Name of Organization</u>
Kent County Government – Kent County Alcohol and Tobacco Inspector
<u>Type of Organization</u> (Not-for-Profit, For-Profit, Faith Based, Community Organization) Local Government
<u>Method of Selection</u> (MOU, Competitive Bids) MOU
<u>Element Addressed</u> (community, school-based, enforcement, cessation) Enforcement
<u>Population(s) Targeted</u> (General, Women, Medically Undeserved, African Americans, Asian Americans, Hispanics/Latinos, and Native Americans) General, Youth
<u>Period of Service</u> (dates covered by agreement) July 1, 2022- June 30, 2023
<u>Scope of Service</u> (the purpose of the funding and the types of activities funded) Organizations may use the funds to: • Provide education to tobacco retailers about reducing youth access and current tobacco laws. • Conduct compliance checks for sales to under-age persons.
<u>Award Amount</u> \$11,000
<u>Actual Performance</u> (provide a narrative that includes quantifiable indicators) 1. Routinely inspect local tobacco retail stores and educate clerks and store owners/managers about current tobacco laws and ways to reduce youth access. 2. Conduct youth access compliance checks at local tobacco retail stores; issue citations and fines for merchants and store owners who sell to underage decoys; report repeat violators to the appropriate agencies. <u>Anticipated Performance Measures:</u> The grantee should track all performance measures. TBD indicates that there is no anticipated measure and that it is to be determined based upon citations. # of cigarette and tobacco product sales compliance checks conducted 60 # of cigarette and tobacco product sales citations issued TBD # of vape shop compliance checks conducted 2 # of vape shop citations issued TBD # of licensed tobacco retailers educated 30 # of follow-up compliance checks to Synar violators TBD # of repeat compliance checks to LHD enforcement violators TBD

Memorandum Of Understanding

This agreement was entered into on December 13, 2022 between the Kent County Health Department (Grantor) and Kent County Government (Grantee) and will end June 30, 2023. The grant award of \$11,000 is to implement the tobacco enforcement program.

The Grantor Agrees To:

- 1) Periodically monitor the Grantee to assure that services are being provided to the target population and that funds are being spent for the prescribed purpose.
- 2) Provide technical assistance in carrying out an action plan and evaluation component.

The Grantee Agrees To:

- 1) Cooperate with monitoring visits from the Grantor.
- 2) Provide service as outlined in the attached Action Plan.
- 3) Submit Request for Payment Form 437 for the award amount after the project agreement (MOU) has been signed.
- 6) Maintain books, records, documents and other evidence and shall adopt accounting procedures and practices that sufficiently and properly reflect all direct costs of any nature expended in the course of this agreement. These books, records, documents and other evidence shall be available for inspection. If review reveals that funds are not expended within the limits of the approved budget or modifications, it is understood that restitution of monies found to be in violation of this agreement shall be made to the Maryland Department of Health .
- 7) Submit a narrative report, detailing actual performance by the following dates: July 05, 2023. The report should be submitted to Nicole Morris @ nicole.morris@maryland.gov

The Grantor and the Grantee Mutually Agree:

- 1) That this award is subject to the requirements and conditions set forth in the MDH Human Services Agreements Manual.
- 2) That this award is based upon estimated levels of State and/or Federal funding. If the actual allocations differ significantly from the current estimates, the grant award will be adjusted accordingly, and services may be curtailed accordingly.

ATTEST:

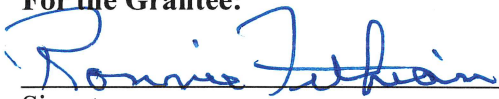
For the Grantor:


Nicole Morris (Dec 13, 2022 11:10 EST)

Signature

Date

For the Grantee:


Signature

12/20/22
Date

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
HUMAN SERVICE AGREEMENT
REQUEST FOR PAYMENT - VENDOR INVOICE - DHMH 437 FORM**

1) VENDOR NAME Kent County Government
2) VENDOR ADDRESS _____
3) CITY/STATE/ZIP _____
4) PROJECT TITLE Tobacco Enforcement
5) TELEPHONE NUMBER _____
6) DIRECTOR'S NAME _____
7) FEDERAL EMPLOYER ID _____

8) STATE FISCAL YEAR :
2023
9) CONTRACT AWARD #:
F673N
10) REQUESTING PERIOD:
July 1, 2022- June 30, 2023

By my signature, I attest that this information is correct, that the requested payment is just and correct and that payment for the same services/period have not been requested previously.

11) SIGNATURE _____
(Blue Ink)

DATE _____

PART A. Award - Human Service Agreement

Amount of Human Services Award \$ 11,000
Amount of CSA Administrative Award \$ _____

PART B. Vendor's Request - Human Service Agreement

Amount of Human Services Award Request \$ 11,000
Amount of CSA Administrative Request \$ _____
Total Payment Request \$ 11,000

PART C. DHMH SUBPROVIDER BUDGET REVIEW ATTESTATION (FOR DHMH USE ONLY)

We have reviewed and maintain on file, documentation of the DHMH subprovider budgets included in the purchase of service line item in the DHMH provider budget for this human service agreement or have a similar assurance by the vendor of record on file.

DHMH Funding Administration Representative _____
(Print Name) (Signature)
Date _____

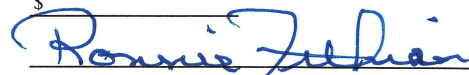
NOTE: *The above attestation is required before any invoice, after and including the October(quarterly) or November (bi-monthly) vendor invoice, can be paid by the Division of Program Cost and Analysis.*

PART D. DHMH PAYMENT (FOR DHMH USE ONLY)

Amount of Human Services Payment \$ _____
Amount of CSA Administrative Payment \$ _____
Total Approved Payment \$ _____

Approved By

Date



12/20/22

Notes:

**Tobacco Use Prevention and Cessation Program
(Enforcement)
Standard Operating Procedure**

Background and Purpose

As a condition of the federal Substance Abuse and Mental Health Services Administration (SAMHSA) Substance Abuse Prevention and Treatment Federal Block Grant (SAPTBG) received by the Maryland Department of Health (MDH), all states must comply with the federal Synar Amendment adopted in 1992. States must conduct annual, random, unannounced inspections of tobacco retail outlets and work to reduce underage access to tobacco by adhering to a requirement that licensed tobacco retailers maintain a Retailer Violation Rate (RVR) of no more than 20%, which means at least 80% of retailers inspected in the state sample must refuse tobacco sales to underage buyers.

Maryland retailers were out of Synar compliance in FFY14 and FFY15 at 24.1% and 31.4%, respectively. In SFY15, MDH launched an effort that included local compliance checks, education, training, and media, in order to reduce the non-compliance rate. Maryland retailers have been in compliance consistently since FFY16; the most recent RVR was 13.1% for FFY20. There were no Synar inspections conducted in FFY21 and FFY22 due to the COVID 19 pandemic.

To sustain the success of statewide efforts to reduce youth access to tobacco – and avoid costly penalties that could jeopardize state substance use treatment dollars – the Governor created a Tobacco Enforcement line item in the Cigarette Restitution Fund beginning in SFY 2017. These dedicated funds are crucial to support local enforcement efforts and to maintain statewide enforcement efforts and help keep the RVR below the 20 percent threshold.

The Kent County Health Department partners with the County Commissioners of Kent County “Grantee” to implement the Program. Historically, the Commissioners are awarded a fiscal year grant which is based upon estimated levels of State and/or Federal Funding.

The designee, the Alcoholic Beverage and Tobacco Inspector agrees to perform the responsibilities and scope of service outlined in the Memorandum of Understanding and Sub Vendor Summary Form.

Memorandum of Understanding: The Inspector is required to keep records regarding inspections, enforcement, educational visits and other related items. This information must be routinely inputted into the Counter Tools POST software. These records will be used to provide progress reports to the Grantor twice per fiscal year; by January 8 (for the period July 1 to December 31) and by July 8 (for the period January 1 to June 30 of

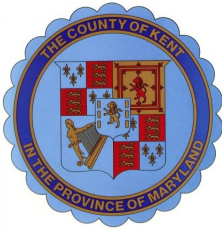
the following calendar year). Reports are submitted electronically to the Program Coordinator.

Sub Vendor Summary Form: The sub-vendor summary form outlines the amount of the award for the fiscal year, and an outline of what specific items are to be addressed (scope of service, population targeted, actual performance measures). These performance measures are documented by the Inspector and available for review by the Grantor and used for submission of progress reports.

The Grantee must send an invoice for payment of the grant award.

The LPHC Program Administrator is:

Nicole Morris, MS, RN
Program Director, Chronic Disease Prevention
Kent County Health Department
125 South Lynchburg Street, Chestertown, MD 21620
Phone: 410-778-2533 (w)
Fax: 410-778-6882 (fax)
Email: nicole.morris@maryland.gov



**James Saunders and Undra Patrick
12/20/2022
County Commissioners Meeting**

Item Summary:

Data Centers

ATTACHMENTS:

Description

12.20.22 Undra Patrick, Kent County DC Preso Data Center Presentation

The Data Center

*AGE OF TODAY'S AND
THE FUTURES OF
INFORMATION
INTERCHANGE*



Top Five Frequently Asked Questions

What is a Data Center

What Industries Use Data Center

Who Builds Data Centers and What Utilities Do They Use

Why Consider Data Centers Good For Economic Development

Introduction What is a Data Center

The data center is building or designed and built for the expressed purpose to process information and data that

“Every” effects our daily lives. See below examples:

Agriculture – farming,

Aircraft - manufacturing and maintenance

Air Travel – bookings, refunds and credits

Automobile manufacturing and maintenance

Banking – finance, loans, mortgages

Business – every and all types

Credit cards - transactions, approvals and billing

Clothing – fashion design, manufacturing

Construction – all types

Defense Industries – research, deployments

Education – local schools and universities

Energy Fuel – petroleum

Federal State and Local Government



Food – processing all industries

Healthcare – medical, clinical research, pharmaceutical's

Law Enforcement – local, domestic and international

Military – Army, Navy, Airforce, Marines, Coast Guards

Media – advertising, marketing

Internet – all information processing, social media

Technology – computers, television

Stock Markets – Dow Industrial, NASDAQ

Utilities – electrical, water, gas

Waste management – garbage and recycle

Wireless – cell carriers, all cell phones

Who Builds Data Centers

- Enterprise Owners-Banks, Credit Cards Companies, Federal Governments.
- Real-estate reinvestment Trust (REIT's) World-wide investors who develop and build data centers known as Colo-location facilities. These buildings contain multiple businesses computer and data information sharing the data center space.
- These building can range from 50,000 -to- 1,500,000 square feet. Costing \$3,000,000 – \$1,500,000,000
- Data Center in this cost range typically require between 45 - 200 acres to develop, design and build.

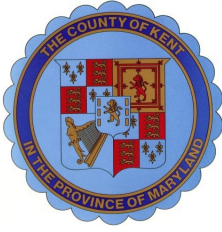


Why are Data Centers Good For Economic Development

1. Positive Impact on local economy – new jobs
2. Increased local tax revenue – one of the single most in the county
3. Attract other business creating a future technology hub

Key Data Center Points of Interest

- ❖ Building Designs Typically Two Stories Tall
- ❖ Self Contained Electrical Power Station Is Separate From Kent County Power
- ❖ All Internet Connectivity And Communication Is Separate From Kent County
- ❖ Water Usage Is Minimal As The Building Recycles 95% of Its Water cooling.
- ❖ Based on the Kent County Region - The data center uses free cooling during the cold winter months months of November-March significantly lowering and water and power usage



**Rosemary Ramsey Granillo, Director, Local Management Board and
Penny Young-Carrasquillo, Grants Manager**

12/20/2022

County Commissioners Meeting

Item Summary:

Maryland Department of Housing and Community Development Connected Devices Grant Application

ATTACHMENTS:

Description

12.20.22 Maryland Department of Housing and Community Development, Connect Maryland Devices Grant Application



Application Form Maryland Connected Devices Program

Applicant Information

Legal Name of Applicant (must match W9):

County Commissioners of Kent County, MD

Please attach a copy of your most current IRS W-9 Form

Federal EIN Number: 526-000-974 DUNS Number: 086131901

Unique Entity ID (SAM.gov) number C8C6GAZ67CA9

Please identify the type of applying entity:



County



Incorporated Municipality

Address

Street: 400 High Street

City: Chestertown County: Kent County

State: MD Zip: 21620

If applying in partnership with other organization(s) please identify the organization(s) below:
N/A

Contact Information

This is the primary contact for the person coordinating all elements of this application. This is the person the OSB will contact with any questions regarding the application.

Name: Penny Young-Carrasquillo Title: Grants Manager

Email: pyoungcarrasquillo@kentgov.org Phone: 443-988-8501





Project Information

Project Information: Estimated Households

Estimated Eligible Households: 1,679 (How many households in your jurisdiction are eligible?)

Estimated Households in Need: 1,000 (How many eligible households need a device?)

Is stipend being requested for security & distribution of devices? ☒ Yes ☐ No

Estimated Funding:

Number of Devices: 500 @ \$198.75 per device: \$99,375.00

Stipend @ \$6.00 per device (if not requesting, leave blank): \$3,000.00

Total project value: \$102,375.00

Please identify the organization who will receive the shipment(s) of devices for distribution:

Kent County Local Management Board

Address:

Street: 400 High Street

City: Chestertown County: Kent County

Zip: 21620

Does the receiver have secure storage? ☒ Yes ☐ No

Does the receiver have a loading dock? ☐ Yes ☒ No

Please briefly describe your method for delivery to distribution site(s):

Because no off-site distribution site will receive more than 100 devices, staff members will transport the laptops to the sites.





Other Required Information

The following should be attached to your application form:

1. Written Project Narrative
2. Scope of Work
3. Schedule
4. Monthly Device Delivery Request
5. Federal Form W-9

Certification

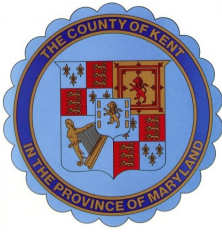
To the best of my knowledge and belief, the information contained in this application is true and correct and I have the authority to sign this document on behalf of the applying jurisdiction.

Authorized Representative Name: Ronald H. Fithian
Title: President, County Commissioners of Kent County, MD
Phone: 410-778-4600
Email: rfithian@kentgov.org

Ronnie Fithian
Signature

Date: 12/20/2022





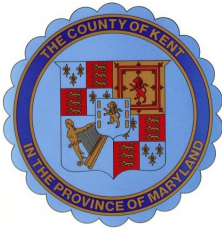
Shelley Heller, County Administrator
12/20/2022
County Commissioners Meeting

Item Summary:

Full-Time Facility Monitor Vacancy

ATTACHMENTS:

Description



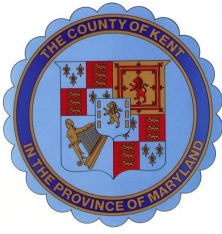
Shelley Heller, County Administrator
12/20/2022
County Commissioners Meeting

Item Summary:

Emergency Services, Full-Time Paramedic Vacancy

ATTACHMENTS:

Description



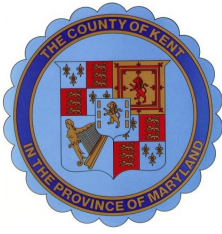
Shelley Heller, County Administrator
12/20/2022
County Commissioners Meeting

Item Summary:

Emergency Services - EMT-B Vacancy

ATTACHMENTS:

Description



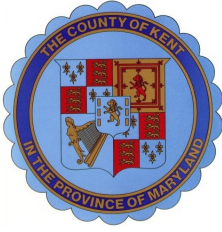
Shelley Heller, County Administrator
12/20/2022
County Commissioners Meeting

Item Summary:

Planning, Housing, and Zoning, GIS Specialist Vacancy

ATTACHMENTS:

Description



Jesse Parks, President, KRM Development Corporation
12/20/2022
County Commissioners Meeting

Item Summary:

Lease Proposal, 125 S. Lynchburg Street

ATTACHMENTS:

Description

12.20.22 KC Health Dept Renewal Proposal

12.20.22 KRM Development Corporation Eighth Amendment to Lease 125 S. Lynchburg Street Health Department



205 Cannon Street, Suite 1
Chestertown, MD 21620
Phone 410-810-1574
Fax 410-810-1571

165 Log Canoe Circle, Suite J
Stevensville, MD 21666
Phone 410-604-2622
Fax 410-604-2624

December 9, 2022

Ms. Shelley L. Heller, County Administrator
Commissioners of Kent County
400 High Street
Chestertown, MD 21620

Dear Shelley,

We appreciate the opportunity to provide this lease renewal proposal for The Kent County Health Department Headquarters.

- A. Property: 125 S. Lynchburg St.; approximately 13,700 square feet of a total 13,700 square foot building.
- B. Use: Approximately 13,700 square feet.
The property shall be used in accordance with the covenants and restrictions of the Chestertown Business Park. A copy of such will be made part of the lease agreement.
- C. Term: Options for terms are show with quoted rates for 5 years.
- D. Rent:

5 Year Lease – 13,700 square feet

1/01/23-12/31/23 - \$12.00/sf/year = \$164,400.00 per year = \$13,700.00 per month

1/01/24-12/31/24 - \$12.20/sf/year = \$167,140.00 per year = \$13,928.33 per month

1/01/25-12/31/25 - \$12.40/sf/year = \$169,880.00 per year = \$14,156.67 per month

1/01/26-12/31/26 - \$12.60/sf/year = \$172,620.00 per year = \$14,385.00 per month

1/01/27-12/31/27 - \$12.80/sf/year = \$175,360.00 per year = \$14,613.33 per month

*Monthly Estimated CAM at the date of this proposal is \$1.10/sf/year = \$15,070.00 per year = \$1,255.83 per month.

~~E. Advance Rent:~~

~~Tenant shall pay to Landlord upon the execution of a lease the sum of one month's rent.~~

~~F. Security Deposit:~~

~~Tenant shall pay to Landlord upon the execution of the lease the sum of one month's rent, which shall be refundable under the terms of the lease. The security deposit shall be subject to adjustment in accordance with the terms of the lease.~~

G. Obligations of the Landlord and Tenant:

- a) Maintenance of foundations, structural portion of the exterior walls, and roof by the Landlord.
- b) All other maintenance – Common Area Maintenance (CAM) by Tenant. CAM includes grass cutting, lawn, tree and shrub care, mulching of landscape beds, security lighting, and snow removal. Tenant shall pay its proportionate share (based on percentage of space occupied relative to the whole building) of the maintenance and repair expenses for the common areas of the property.
- c) Real Estate Property Taxes: Property taxes paid by Landlord.
- d) Utilities: Tenant shall pay for all utilities. If for some reason utilities are not separately metered, tenant shall pay for its proportionate share as determined by Landlord. Landlord pays for water/sewer.
- e) Telephone and Computer: Tenant is responsible for the purchase, installation, and maintenance of all telephone and computer lines from main terminal within the facility. Tenant responsible for their own telephone and computer systems.
- f) Security Systems: Tenant is responsible for the purchase, installation, and maintenance of any security system within their leased space.
- g) HVAC (Heating, Ventilation and Air Conditioning): Tenant must provide Landlord with a copy of a yearly service contract for the HVAC system installed at their location.

H. Signs: Tenant shall only place signs upon the property with the Landlord's prior consent.

I. Occupancy Date: N/A

J. Expiration of Proposal: 12/31/2022

K. Additional Terms:

LANDLORD AND TENANT ACKNOWLEDGE THAT THIS PROPOSAL IS NOT A LEASE AND THAT IT IS INTENDED AS THE BASIS FOR THE PREPARATION OF A LEASE BY LANDLORD. THE LEASE SHALL BE SUBJECT TO LANDLORD'S AND TENANT'S APPROVAL AND ONLY A FULLY EXECUTED LEASE SHALL CONSTITUTE A LEASE FOR THE PROPERTY.

Sincerely,

Jesse Parks
President, KRM Development Corporation

EIGHTH AMENDMENT TO LEASE

THIS EIGHTH AMENDMENT TO LEASE, dated as of this 20th day of December, 2022 by and between KRM – PCO, LLC, (“Landlord”) and The Kent County Commissioners, (“Tenant”).

WITNESSETH:

WHEREAS, Landlord and Tenant have heretofore entered into a Lease dated October 11, 1989 and September 14, 1990 (the “Lease”), and entered into a First Amendment to Lease, dated December 22, 1993 (The “First Amendment to Lease”), and entered into a Second Amendment to Lease, dated September 2, 1998 (The “Second Amendment to Lease”), and entered into a Third Amendment to Lease, dated December 10, 2003 (The “Third Amendment to Lease”), and entered into a Fourth Amendment to Lease, dated September 27, 2005 (The “Fourth Amendment to Lease”), and entered into a Fifth Amendment to Lease, dated October 24, 2011 (The “Fifth Amendment to Lease”), and entered into a Sixth Amendment to Lease, dated December 5, 2011 (The “Sixth Amendment to Lease”), and entered into a Seventh Amendment to Lease, dated April 25, 2017 (The “Seventh Amendment to Lease”) for certain premises located at 125 S. Lynchburg Street, Chestertown, MD, as more particularly described in the Leases; and

WHEREAS, Landlord and Tenant desire to extend the lease term five (5) years.

NOW, THEREFORE, Landlord and Tenant hereby agree that the Lease shall be and is hereby amended as follows:

A.) The new lease term will commence on January 1, 2023 and terminate on December 31, 2027.

B.) Space and Lease Rates:

13,700 sf Office Space: Health Department Headquarters at 125 S. Lynchburg St., Chestertown, MD

(01/01/23 - 12/31/23) \$12.00/sf/yr for 13,700 sf (\$164,400.00/yr) (\$13,700.00/mo)

(01/01/24 - 12/31/24) \$12.20/sf/yr for 13,700 sf (\$167,140.00/yr) (\$13,928.33/mo)

(01/01/25 - 12/31/25) \$12.40/sf/yr for 13,700 sf (\$169,880.00/yr) (\$14,156.67/mo)

(01/01/26 - 12/31/26) \$12.60/sf/yr for 13,700 sf (\$172,620.00/yr) (\$14,385.00/mo)

(01/01/27 - 12/31/27) \$12.80/sf/yr for 13,700 sf (\$175,360.00/yr) (\$14,613.33/mo)

EXCEPT as herein above specifically modified all of the terms and provisions of the Lease are and shall remain in full force and effect, and the Lease, as amended hereby, if ratified by both parties.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Eighth Amendment to Lease the day and year first written above.

LANDLORD

KRM – PCO, LLC

By: KRM Development Corporation managing member

Jesse G. Parks, President

TENANT

COMMISSIONERS OF KENT COUNTY

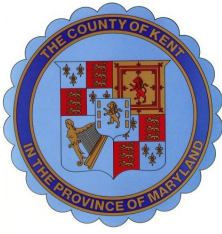
Ronald H. Fithian, President 12/20/22

Albert H. Nickerson, Member 12/20/22

John F. Price, Member 12/20/22

ATTEST/WITNESS

Lacey J. Cox 12/20/22



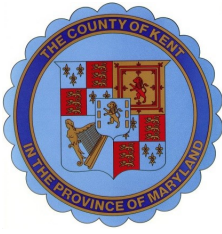
Kent County Public Library
12/20/2022
County Commissioners Meeting

Item Summary:

Board of Library Trustees

ATTACHMENTS:

Description



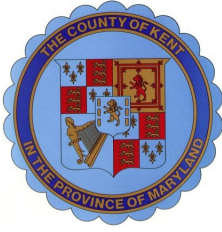
Ken Kozel, CEO, UM Shore Regional Health
12/20/2022
County Commissioners Meeting

Item Summary:

Letter of Support

ATTACHMENTS:

Description



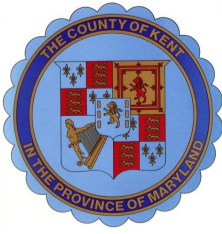
Work Session Announcement 12/20/2022 County Commissioners Meeting

Item Summary:

Work Session Scheduled For January 10, 2023

2:00pm Comprehensive Rezoning Task Force Discussion

2:30pm Blueprint Funding Discussion



Procedures For Public Comment 12/20/2022 County Commissioners Meeting

ATTACHMENTS:

Description

12.20.22 Public Comments Sign In Sheet

Press and Public Comments 2022

**PUBLIC COMMENTS
SIGN IN SHEET
December 20, 2022**

NAME (please print)	ADDRESS	TOPIC
Mike W. AAL	8640 PARKER C-Town	A- DATA CENTERS - Bldg SIZE TO Employment 2) FREE Build will They Come 3) Federal Govt a potential all states use
		B- Correction to previous statement that Sen. Hensley did Submit CROSSOVER Bill To Gov's Legislation
		C- KIRWAN Impact To KIRK REAL ESTATE Taxes Freedom Office of Legislative Services Numbers

Press and Public Comments

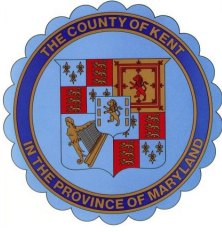
Time is allotted at the beginning and end of each meeting for the Commissioners to receive comments from the public. Anyone interested in speaking must sign up on the provided The Public Comment sign-up sheet is located on the table inside the meeting room.

The President of the Board will call the names of the listed individuals when it is time to speak. When making comments, individuals are asked to speak slowly, clearly, and concisely. Precede all comments with your name and address and speak only on the subject under discussion.

Comments in writing are welcomed and should be given to the staff after your presentation. Any person making personal, impertinent, or slanderous remarks, or whose speech or actions become disruptive, will be asked to leave the meeting.

Interested parties may address the Commissioners in writing at any time about any matter pertaining to County business. Written statements can be hand-delivered or mailed to:

The County Commissioners of Kent County, Maryland
400 High Street
Chestertown, MD 21620



**Computer and Christmas Tree Recycling Offer for Kent County
Residents
12/20/2022
County Commissioners Meeting**

Item Summary:

Kent County Environmental Operations Division at 410-778-2600

ATTACHMENTS:

Description

Computer X-mas Tree Recycling Flyer

Did You Receive a New Computer for Christmas?

Recycle FREE of Charge Your Old Computers and Computer Components at the Nicholson Drop-Off Center



The Following Items Will Be Accepted:

- Computer Processors & Accessories
- LCD/LED Monitors (No CRT's)
- Keyboards
- Printers
- Scanners
- Mice
- Cables
- Laptop Computers
- Speakers
- Cables/Cords
- Mainframes
- Network Equipment
- Wires
- Fax Machines
- Circuit Boards
- Hard Drives
- External Disc Drives

Where:

Kent County Residents may drop off computer equipment for FREE at the Nicholson Drop-Off Center, 23750 Larney Nick Road, Chestertown, MD 21620.

When:

Monday, Wednesday and Friday, 8:00 a.m. to 4:00 p.m.
Saturday 8:00 a.m. to 2:00 p.m.

No: Business, Industrial or Commercial Computers. NO Televisions, CRT's or Appliances.

Large Loads:

Residents with large loads must contact the Environmental Operations Division for special arrangements.

What Happens to My Computer:

Computers are sent to EZPC Recycling located in Reading, Pennsylvania. Visit EZPC's website for information on the recycling process <http://www.ezpcrecycling.com/>

Questions:

Contact the Kent County Environmental Operations Division at 410-778-2600.



Recycle Your Christmas Tree



Where:

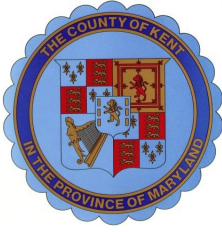
Kent County Residents may drop off Christmas trees at NO CHARGE (with all ornaments and wiring removed) at the Nicholson Drop-Off Center, 23750 Larney Nick Road off Earl Nicholson Road, Chestertown, MD 21620.

When:

Monday, Wednesday and Friday, 8:00 a.m. to 4:00 p.m.
Saturday 8:00 a.m. to 2:00 p.m.

Thank you for Recycling!





American Rescue Plan Act (ARPA) Funds Spend Plan 12/20/2022 County Commissioners Meeting

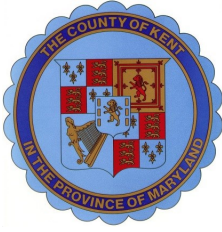
ATTACHMENTS:

Description

12-13-2022 ARPA Fund Commissioner Report

AMERICAN RESCUE PLAN ACT FUND
AS OF COMMISSIONER MEETING MINUTES DATED
12/13/2022

Project	Department	Project Estimate	Date Approved	Amount Approved	Date Completed
Feed the Elderly Year 1	Local Management Board	112,800	08/31/21	112,800	
Feed the Elderly Year 2 and 3	Local Management Board	204,115	03/08/22	204,115	
Clariflocculator Replacement Project	Water & Wastewater Fund	275,000	08/31/21	275,000	6/28/2022
Clariflocculator Replacement Project Change Order #1		2,817	01/11/22	2,817	6/28/2022
Clariflocculator Replacement Project Change Order #2		90,642	01/11/22	90,642	11/23/2022
AV System	Information Technology	67,429	10/26/21	67,429	
IT Software	Information Technology	27,095	10/26/21	27,095	
Neighborhood & Infrastructure Grants	Information Technology	262,227	12/14/21	262,227	
A/V Equipment in EOC	Emergency Operation Center	14,087	02/01/22	14,087	
SCADA Pump Station Monitoring	Water & Wastewater Fund	110,065	02/08/22	110,065	
Millington/RT301 Wastewater Treatment Feasibility Study	Water & Wastewater Fund	57,500	02/08/22	57,500	
Millington/RT301 Wastewater Conveyance System Capacity Study		9,500	09/27/22	9,500	
Tolchester Wastewater-Design Services Influent Screen	Water & Wastewater Fund	52,910	02/08/22	52,910	
Tolchester Wastewater - Bid Services and Const. Management		35,735	09/27/22	35,735	
Tolchester Wastewater Influent Screen Construction		652,897			
Worton WWTP Influent Lagoon Engineer Design & Bid Services	Water & Wastewater Fund	32,981	03/22/22	32,981	
Worton WWTP Influent Lagoon Engineer Const. Management		15,000			
Worton WWTP Lagoon Sludge Removal Contract		1,400,500	12/13/22	1,400,500	
Kennedyville Pump Station #2 Relocation Design	Water & Wastewater Fund	52,338	09/27/22	52,338	
Kennedyville Pump Station #2 Relocation Const. Management		Deferred			
Kennedyville Pump Station #2 Construction		Deferred			
Worton/Kennedyville GIS Water and Sewer Facilities Mapping	Water & Wastewater Fund	75,770	09/27/22	75,770	
Worton Vehicle Storage Building & site prep/lighting/heat	Water & Wastewater Fund	40,000	10/25/22	40,000	
Worton WWTP Solids Press Replacement Design	Water & Wastewater Fund	40,000.00			
Worton WWTP Solids Press Replacement Construction Management		20,000.00			
Worton WWTP Solids Press Replacement		250,000.00			
Total Amount of Funds Committed		<u>\$ 3,901,408</u>		<u>\$ 2,923,511</u>	
Amount of ARPA Funds		3,766,777		3,766,777	
Balance of ARPA Funds Remaining		<u>\$ (134,631)</u>		<u>\$ 843,266</u>	



Contingency and Use of Fund Balance Report 12/20/2022 County Commissioners Meeting

ATTACHMENTS:

Description

12-13-2022 Commissioner Report Contingency

**FY23 CONTINGENCY & USE OF FUND BALANCE
AS OF COMMISSIONERS MEETING MINUTES DATED
December 13, 2022**

CONTINGENCY					
DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION		
6/14/22	Upper Shore Aging	\$ 15,000	To secure a grant funded prgram	-	
6/14/22	Circuit Court/Building and Grounds	25,000	Arch Design-lobby expansion design phase	-	
8/9/22	Circuit Court/Building and Grounds	11,291	Asbestors Abatement - Court House - asbestors insulation around exposed heat pipes	-	
9/6/22	Kent Ag Center, Inc.	9,600	Kent Aq Center-pavilion electrical work	-	
9/6/22	LPPI Parks	20,000	Worton Park multipurpose field lighting project	-	
9/6/22	Kent Ag Center, Inc.	1,000	Kent Ag Center-asbestos assessment report of two buildings at Kent Aq Center	-	
9/27/22	Kent Ag Center, Inc.	1,625	Kent Aq Center-asbestos assessment report of two buildings at Kent Aq Center	-	
12/13/22	Office of Finance	28,275	Central Square Payments-Web Enablement, Click2Gov Tax & CIS, Accounts Receivable	-	
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TOTAL		<u><u>\$ 111,791</u></u>			
BEGINNING CONTINGENCY BUDGET		\$ 400,000			
ENDING CONTINGENCY BALANCE		<u><u>\$ 288,209</u></u>			

USE OF FUND BALANCE

DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION
9/20/22	Detention Center	\$ 16,794	Opioid Use Disorder (OUD) Treatment Initiative. additional costs of employee benefits.
12/13/22	Office of Finance	\$ 19,172	Central Square Payments, Web Enablement Fusion, Click2Gov Tax & CIS, Accounts Receivable
TOTAL		<u>\$ 35,966</u>	
USE OF FUND BALANCE			
Note: If expenses are not reduced or offset by the same amount of fund balance used, this will result in a decrease in fund balance below our 7.5% target.			