

November 15, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.m. with the following present: P. Thomas Mason, President, Robert N. Jacob, Jr., and Ronald H. Fithian. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for a moment of silence to thank veterans that served and those who continue to serve and in hopes that everyone will have a good Thanksgiving.

Shelley L. Heller, County Administrator, and Thomas N. Yeager were also in attendance.

CONSENT ITEMS

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, November 1, 2022
2. Liquor Minutes, November 1, 2022
3. Closed Session Minutes, November 1, 2022
4. Rock Hall Volunteer Fire Company, Combined Gaming Devices, November 16, 2022 - December 20, 2022
5. Kent County Ducks Unlimited, Combined Gaming Devices, November 19, 2022
6. Chestertown Chapter #86 Order of the Eastern Star, Raffle Only, November 16, 2022 – December 20, 2022

FINANCE

Pat Merritt, Chief Finance Officer, Office of Finance, presented the FY2022 financial statements and reporting process. Ms. Merritt summarized the FY2022 financial statements. Discussion took place. Chris Lehman, MBA, CPA, Engagement Partner, SB and Company, LLC, presented the auditor's report. Discussion took place. Mr. Lehman presented the audit report and stated Kent County produces proper control and accurate financial statements. Ms. Merritt thanked the Finance staff for all their hard work.

Ms. Merritt presented Tax Levy Resolution 2022-15 for approval. Ms. Merritt gave an overview of the October 17, 2017, meeting where the Commissioners adopted Bill No. 4-2017 creating Chapter 152, Taxation, Article IX, Business Personal Property Taxes on Public Utilities in the Code of Public Laws of Kent County Maryland. This article states that operating personal property of a public utility and personal property used to generate electricity for sale are subject to the Business Personal Property Tax on Public Utilities as described in 7-237 of the Tax-Property Article of the Annotated Code of the State of Maryland. Resolution 2022-07 identified the tax rate for "Public Utilities" at \$2.53. For clarification, Resolution 2022-15 which identifies the tax rate for "Business Personal Property Taxes on Public Utilities" at \$2.53. For further clarification, going forward, both tax levy resolutions will list the two categories separately even though the tax rate is the same. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved and signed the Kent County Tax Levy Resolution 2022-15 as presented.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

Rosemary Ramsey Granillo, Director, Local Management Board, presented the Second Amendment to a contract with Minary's Dream Alliance to implement the Feed the Elderly Initiative. Ms. Ramsey Granillo stated the Commissioners approved the ARPA funds for the contract in March 2022, and this is a continuation of said contract due to end on June 20, 2024. The modification is for a total amount of \$204,115.00. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Second Amendment of the contract with Minary's Dream Alliance to implement the Feed the Elderly Initiative as presented.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Wayne Darrell, Director, Office of Emergency Services, presented a request to hire the recommended candidate for the EMT-B position in the Office of Emergency Services Department. This position is at the recommended (Grade 4) annual salary. Mr. Hale summarized the hiring recommendation suggested by staff. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended candidate to fill the vacant EMT-B position in the Office of Emergency Services Department pending the successful completion of County pre-employment requirements.

Mr. Hale on behalf of Mike Moulds, Director, Public Works, is requesting approval to create an additional Utility Technician position in the Water Wastewater Division. This is a Grade 3 entry-level position and would help to improve the response to maintenance orders and reduce the on-call frequency of other staff. The position would perform repairs to the sewer and water distribution systems within the County and the Town of Galena. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the creation of a new Utility Technician position in the Public Works Department, Water Wastewater Division as requested.

Commissioner Jacob requested staff to research the on-call stipend for the Public Works Water and Wastewater department. Discussion took place. Staff will research all department staff on-call stipends and report back during the next budget meeting.

Mr. Hale presented a request for approval of a compensatory leave buyback program for County employees. Mr. Hale explained that compensatory leave is earned when an employee works overtime and chooses to receive time off credit instead of paying for the hours worked. The current County policy allows employees to accrue up to eighty hours of compensatory leave. For the last six years, the Commissioners approved a compensatory leave buyback program for up to forty (40) hours per employee. Mr. Hale is requesting the same

compensatory leave buyback for this year. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved compensatory leave buyback of up to forty (40) hours per employee to be paid out on December 15, 2022.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, presented a Police Accountability Board consultant contract for approval. Ms. Heller advised with the passage of the Maryland Police Accountability Act of 2021 (HB670), the State of Maryland is requiring every county to establish, among other mandates, a Police Accountability Board, an Administrative Charging Committee, and a Trial Board for complaints about law enforcement. Ms. Heller further stated the County received a grant, entitled Police Accountability, Community, and Transparency (PACT) Grant, in the amount of \$37,375.00. This funding includes \$26,000.00 for a consultant to help the County establish the required boards and the policies to accompany them. The County has identified a consultant to help establish this board and the rules and regulations that may apply to it. The contract is valid from July 1, 2022, through December 30, 2022. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the signing of the Police Accountability Board consultant contract.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported the 1st quarter programmatic reporting has been submitted for The Law Enforcement Accountability Initiative: Police Accountability Board, Administrative Charging Committee, and Trial Board Grant.

Ms. Heller reported the County Commissioners next meeting will be Tuesday, November 29, 2022, at 10:00 a.m. The District 36 Delegation is scheduled to attend and discuss legislative initiatives.

PUBLIC COMMENT

The procedures for public comment were in effect. No remarks were received.

LETTER FOR SIGNATURE

The Commissioners expressed their appreciation by a Thank You for Your Service letter to Tyler Brown. Mr. Brown served as a member of the Planning Commission.

FOR YOUR INFORMATION

A correspondence dated October 27, 2022, addressed to Community Members and Leaders was received from Maj. Gen. Robert L. Edmonson, II., Senior Mission Commander, Aberdeen Proving Ground (APG). The email contained Fall 2022 updates on the happenings around APG.

The Commissioners were copied on a correspondence dated November 1, 2022, addressed to Arnessa Dowell, Director, Kent County Public Library from Joan Horsey, Chairman, Chestertown Library, Inc. The letter served as notification the Chestertown Library Preservation Foundation granted funds to the library in the amount of \$1,871.30 and granted \$724.00 to purchase books.

A correspondence dated November 2, 2022, received from Cindy Stone, Director, Community Development Programs, Maryland Department of Housing and Community Development, gave an overview and balance of a grant awarded on July 20, 2020. The County received a \$134,246.39 grant on July 1, 2020, for COVID activities from the Maryland Community Development Block Grant Program. As these are special federal funds awarded in response to the impacts of COVID, the grant has specific benchmarks to be met. The County was to have expended 50% of the grant funds as of October 1, 2022. The County has expended 40%. There is a balance of \$79,246.39 and the grant expires on June 30, 2023. The County's progress will be evaluated at the end of December.

CONTINGENCY FUND

The FY2023 Contingency balance as of November 1, 2022, is \$316,484.00, and the FY2023 use of Fund Balance is \$16,794.00.

CLOSED SESSION

At 7:25 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go into a closed session to discuss two matters. 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 (7) To consult with counsel to obtain legal advice, respectively.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, Planning, Housing, and Zoning, Sondra M. Blackiston, Clerk/KATE Manager, Lacey Cox, Deputy Clerk II, and Tonya Thomas, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL

Topic to be discussed: Current appointment(s) on a Board/Commission

Reason for closing: Discussion of current appointments are confidential and must be shielded.

Bill Mackey, Director, Planning, Housing, and Zoning stated a member resigned from their position on the Planning Commission. According to the record, there were three other candidates who expressed interest.

At 7:50 p.m., P. Thomas Mason left the dais.

MATTER NO. 2: LEGAL

Topics to be discussed: To discuss the legal opinion of the County Attorney concerning a written complaint.

Reasons for closing: Details of the complaint must be kept private while legal advice is discussed.

Mr. Yeager stated that this is a continuation of the closed session held on November 1. Mr. Yeager presented a draft response to a complaint letter received.

At 7:57 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and by a majority vote, the Board adjourned the closed session and reconvened in an open session.

OPEN SESSION

MATTER NO. 2: LEGAL

Commissioner Fithian summarized the second matter; the Commissioners, staff, and the County Attorney discussed and obtained legal advice on options concerning the proposed written complaint. On a motion by Commissioner Fithian, seconded by Commissioner Jacob, the Commissioners by a majority vote agreed to sign the written response letter regarding a written complaint letter received.

MATTER NO. 1: PERSONNEL

At 8:02 p.m., P. Thomas Mason rejoined the open session. Commissioner Fithian summarized the first matter; the Commissioners, staff, and the County Attorney discussed current appointments and interests. On a motion by Commissioner Jacob and seconded by Commissioner Mason, and by a majority vote nominated Paula Reeder to serve on the Planning Commission Board. Commissioner Fithian opposed the motion made therefore the vote was 2-1.

At 8:05 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Mason, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, November 29, 2022, at 10:00 a.m.

Regular Session Minutes
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Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland

November 15, 2022

The Board of License Commissioners met today with the following present: P. Thomas Mason, presiding, Ronald H. Fithian, and Robert N. Jacob, Jr.

Shelley L. Heller, County Administrator, Thomas N. Yeager, County Attorney, and Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) were also present.

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, November 1, 2022.

SPECIAL CLASS C LICENSES

Kent County Ducks Unlimited submitted a Special Class C (Pier Diem) liquor license application for Beer, Wine, and Liquor. They will be holding their annual fundraiser event on November 19, 2022, from 4:00 p.m. to 11:00 p.m. at Red Acres Farm Venue, 25367 Lambs Meadow Road, Worton. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

Main Street Historic Chestertown submitted a Special Class C (Pier Diem) liquor license application for Beer and Wine Only. They will be holding their Dickens of a Christmas Festival on December 2, 2022, from 5:00 p.m. to 9:00 p.m., and December 3, 2022, from 10:00 a.m. to 4:00 p.m., in the 200 Block of High Street, Chestertown. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) reviewed a matter as a follow-up to a discussion that occurred at the November 1, 2022, meeting. As a result of staff and the Board's recommendations, Inspector Pearsall presented a written warning letter to Donna J. Legg, General Partner, and Tori N. Bershon, Limited Partner, The Backfin, LP. The Board was amenable to the letter as presented.

Inspector Pearsall reviewed the results of an investigation concerning Harbor Shack. On October 16, 2022, a patron attended the Rock Hall Bike Fest, and sent a written complaint to the Inspector. Inspector Pearsall investigated the allegations and found Harbor Shack was not in violation of any regulations. A letter will be sent to James W. Johnson, President, Mark K. Gardner, Vice-President, and Donna L. Walls, Secretary/Treasurer, Harbor Shack, Inc., trading as Harbor Shack Waterfront Bar and Grill noting the outcome of the investigation.

Inspector Pearsall also reviewed the following letters sent under her signature:

1. November 3, 2022, mailing to Kent County Volunteer Fire Departments reviewing the option to apply for a Multiple Event Special Class “C” Liquor License. This permits the applicants to use one liquor license for twelve (12) or twenty-four (24) events throughout the calendar year.
2. November 7, 2022, mailing to organizations that frequently apply for a Special Class C (Per Diem) License reminding them of the deadline for the submittal of applications.
3. November 9, 2022, mailing to all Class B licensed establishments advising of the regulations of a caterer’s privilege (CP). The mailing included a “Companion Application” for those who may want to have the CP added to their license and a checklist to help make sure they have everything they need for approval.

The above-mentioned mailings require no action by the Board and were submitted for informational purposes only.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, November 29, 2022, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk, KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland