

November 1, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:32 p.m. with the following present: P. Thomas Mason, President, Ronald H. Fithian, and Robert N. Jacob. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for a moment of silence for the family of Arthur “Art” Knox. Mr. Knox was a Kent County employee working in the maintenance division of Parks and Recreation at the time of his passing.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, 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, October 25, 2022
2. Liquor Minutes, October 25, 2022
3. The appointment of Rick Morlock as a member of the Public Landings Board.

SULTANA EDUCATION FOUNDATION

Drew McMullen, President, Sultana Education Foundation (SEF), requested a letter of support from the Commissioners to submit with their application for State funding during the upcoming legislative session. Mr. McMullen explained the reasons for the request. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the letter of support. A letter addressed to Governor Larry Hogan will convey the Board’s support for the SEF’s projects.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Mike Moulds, Director, Public Works, presented a request to hire the recommended candidate for the County Roads Division Chief position. This position is at the recommended (Grade 10) 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 to promote the recommended employee to the vacant County Roads Division Chief position as requested.

COUNTY ATTORNEY

Property Transfer of the Former Millington Elementary School: Thomas N. Yeager, County Attorney presented a matter that was last discussed at the October 11, 2022, meeting. Mr. Yeager presented the deed for the transfer of 172 Sassafra Street, Millington, MD, the Real Property Transfer Agreement, and the Amendment to the Sewer Wastewater Service Agreement. Mr. Yeager provided an overview of the transfer process. Discussion took place. The required public notice for the disposal of real County property was duly advertised. No objections were

received before the close of business on October 31, 2022. The transfer agreement and sewer agreement cover the terms of the transfer of the property. Mr. Yeager recommended the Board review and sign all three documents with the delivery of the deed conditioned upon the Town of Millington's signing the transfer agreement and the sewer agreement as both documents require Mayor and Council signatures. A discussion of the process resulted. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to sign all the documents for the former Millington Elementary School and notify the Town of Millington the documents are ready for signature. Mr. Yeager requested permission for either himself or Ms. Heller to sign the exemption form, there were no objections to the request.

LETTER FOR SIGNATURE

A citizen interest form was received and forwarded to the appropriate Board and/or Committee. The Commissioners expressed their appreciation by a letter acknowledging the receipt of the interest form.

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.

CONTINGENCY FUND

The FY2023 Contingency balance as of October 25, 2022, is \$316,484.00, and the FY2023 use of Fund Balance is \$16,794.00.

PUBLIC COMMENT

The procedures for public comment were in effect. No one signed the public comment sign-in sheet.

Commissioner Fithian brought up two items for discussion. Item one: the projected fiscal effects of funding Kent County Public Schools under The Blueprint for Maryland's Future Act, commonly referred to as the Kirwan Commission, is an extremely serious issue. It is in the County's best interest to schedule a meeting with Senator Stephen S. Hershey as soon as possible. Item two: the ongoing legal process regarding the vacant house on Daisy Drive in Millington damaged by a fire last year. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved, Mr. Yeager to file a petition with the court if the house is not torn down by this Friday (November 4, 2022).

FOR YOUR INFORMATION

A correspondence from Harborview Farms Partnership, dated October 25, 2022, was received. Harborview Farms Partnership sent a notice to the Commissioners as an interested party advising of their application for a Permit to Appropriate and Use Waters of the State at

their property located at 9385 Earl Nicholson Road, Chestertown, MD. Permit application number KE2022G001/01 was assigned by the State.

CLOSED SESSIONS

At 6:32 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, the Commissioners unanimously voted to go into a closed session to discuss three matters. The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 (b) (7) To consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Sondra M. Blackiston, Clerk/KATE Manager, and Tonya Thomas, Deputy Clerk II, were also in attendance.

MATTER NO. 1: LEGAL AND PENDING OR POTENTIAL LITIGATION

Topic to be discussed: To discuss the legal opinion of the County Attorney concerning a potential litigation matter.

Reason for closing: Legal advice from the County Attorney is private to the public, and to shield specific details of potential/ongoing litigation.

Mr. Yeager explained a civil lawsuit filed against multiple counties alleging that contractual cash grants were paid and/or used unlawfully and/or for politically corrupt purposes. An extensive amount of documentation was submitted for the Commissioners' information. Discussion took place. Mr. Yeager offered legal advice.

At 7:03 p.m., prior to the discussion of Matter No. 3, Commissioner Mason recused himself from the session and left the dais.

MATTER NO. 3: LEGAL

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

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

Mr. Yeager stated a citizen, submitted a letter to William Mackey, Director, Planning, Housing, and Zoning. Discussion took place. Mr. Yeager offered legal advice regarding the merits of the complaint.

At 7:21 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and by a majority vote, the Board adjourned the closed session and reconvened in an open session.

OPEN SESSION

MATTER NO. 1: LEGAL AND PENDING OR POTENTIAL LITIGATION

Commissioner Jacob summarized the first matter; the Commissioners, staff, and the County Attorney discussed and obtained legal advice on options concerning the civil lawsuit filed by Lois Ann Gibson and others against multiple counties, including Kent County. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, a majority vote authorized staff to hire attorney Kevin Karpinski to represent Kent County in Federal Court. Mr. Yeager will retain attorney Kevin Karpinski of Karpinski, Cornbrooks, and Karp, P. A. at this time to handle a preliminary matter in the lawsuit filed by Lois Ann Gibson and others against multiple counties, including Kent County to file a motion to dismiss the case on the County's behalf.

MATTER NO. 3: LEGAL

Commissioner Fithian summarized the third matter; the Commissioners, staff, and the County Attorney discussed and obtained legal advice on options concerning the proposed written complaint. On motion by Commissioner Fithian, seconded by Commissioner Jacob, the Commissioners by a majority vote agreed to direct staff to follow through with their recommendation.

At 7:23 p.m. on a motion by Commissioner Jacob and seconded by Commissioner Fithian, by a majority vote adjourned the meeting. The Board is scheduled to meet again on Tuesday, November 15, 2022, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

November 1, 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, October 25, 2022.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

A memorandum from Lacey Cox, Deputy Clerk II, dated November 1, 2022, provided a license update. The Board approved William A. Holland, representing Phat Daddy's BBQ & Catering, LLC, trading as PDB, for a Class B, Beer and Wine License with Catering Privileges (CP) on October 18, 2022. Staff is pleased to report that License No. 4856 was issued on October 21, 2022.

Thomas N. Yeager, County Attorney, provided a license update. The transfer application for Pip's Discount Liquor License to a new address was approved on September 6, 2022, contingent upon one applicant providing documentation to establish the Kent County resident (qualifier) requirement. A copy of the Maryland driver's license, and quarterly water and sewer bill submitted by Mr. Connell were reviewed. The address listed on both documents was verified as 31249 Front Street, Galena, MD 21635. This information matches the property owner listed on the State of Maryland's real property data search. This is satisfactory proof of Kent County residency. However, prior documentation submitted indicates a different address. Therefore, on October 26, 2022, Mr. Connell reviewed and signed a letter that confirms the change of address. Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) served as the signature witness.

CLOSED SESSION

MATTER NO. 2: LEGAL

At 6:32 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go into a closed session to discuss three matters. The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 b) (7) To consult with counsel to obtain legal advice. The only matter concerning the Board of License Commissioners was Matter No. 2.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Sondra M. Blackiston, Clerk/KATE Manager, and Tonya Thomas, Deputy Clerk II, were also in attendance.

Topic to be discussed: Citizen complaints regarding a licensed establishment.

Reason for closing: Legal advice concerning alleged violations should be private.

At 6:52 p.m., Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), joined the closed session.

Inspector Pearsall summarized Report Number 22-018 for the record. The report details complaints received concerning an establishment in Kent County. The establishment is the holder of a County-issued Class A Beer, Wine, and Liquor License with a BWLT (tasting) companion. Portions of the report were discussed. Ms. Blackiston further explained the restrictions of specific establishments concerning consumption, etc. Mr. Yeager provided legal advice on the matter. Staff recommended the Board consider a written warning to the establishment.

Inspector Pearsall left the closed session at 7:03 p.m.

At 7:21 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, 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 and options concerning the citizen complaints regarding a licensed establishment. On a motion by Commissioner Fithian, seconded by Commissioner Jacob, and by a majority vote instructed staff to follow through with their recommendation.

There being no further business to claim their attention, at 7:23 p.m. on a motion by Commissioner Jacob and seconded by Commissioner Fithian, a majority vote adjourned the meeting. The Board is scheduled to meet again on Tuesday, November 15, 2022, at 6:00 p.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