

October 26, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m. with the following present: P. Thomas Mason, President, Ronald H. Fithian, and Robert N. Jacob, Jr. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for a moment of silence for the potential severe weather approaching the area, and for the safety of the children who will be participating in trick or treating.

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

CONSENT ITEMS

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

1. Regular Session Minutes, October 19, 2021
2. Liquor Minutes, October 19, 2021
3. Closed Session Minutes, October 19, 2021
4. Emmanuel Episcopal Church, Raffle Only, November 13 and 20, 2021

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

Scott Boone, Director, and Sandy Nordhoff, Systems Administrator, Information Technology (IT) presented a request to approve the purchase of equipment for Audiovisual (AV) Enhancements in the Commissioners Hearing Room. Mr. Boone stated the Commissioners Hearing Room AV equipment is in need of substantial upgrades due to the hybrid meetings. The current configuration is also cumbersome for staff to operate and offers room for error. Staff recommends the County contract with VSGi and piggyback on a General Services Administration (GSA) Contract. VSGi has provided a quote in the amount of \$66,228.00 for a complete overhaul of the AV Equipment and offer a more robust system that presents less opportunity for failure. An additional quote in the amount of \$1,200.00 has been received for technical support for the first meeting. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the use of ARPA funds to purchase new AV Equipment for the Commissioners Hearing Room from VSGi in the amount of \$67,428.00 and to piggyback on GSA Contract No. GS-35F-0601T.

EMERGENCY SERVICES

Wayne Darrell, Director, Emergency Services introduced Brad Russum, Chief of Communications. Mr. Darrell presented an Emergency Program Grant, from Maryland Emergency Management Agency (MEMA) in the amount of \$67,645.02 for salary and benefits. The grant is approved to be used towards salary and benefit expenses of the County Emergency Management Director and the 911 Center Communications Chief. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the

Emergency Management Program Grant in the amount of \$67,645.02.

Mr. Darrell presented the State Homeland Security Program Grant from Maryland Department of Emergency Management in the amount of \$97,986.00. The grant has been approved to use for salary and benefit costs of the Emergency Management Planner position and Sheriff's Office body worn cameras. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the State Homeland Security Grant in the amount of \$97,986.00.

Mr. Darrell presented a contract with Mission Critical Partners for 911 Center cybersecurity monitoring, in preparation for the transition to Next Generation 911. Mr. Darrell recommends and requests Mission Critical Partners to provide the services in the amount of \$242,430.00 for five (5) years in which the 911 Board will fund the entire contract. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to contract with Mission Critical Partners for the 911 Center cybersecurity monitoring services, pending 911 Board funding approval.

Mr. Darrell presented the Motorola Annual Software Maintenance and Upgrade invoice in the amount of \$40,268.00. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to pay the Motorola invoice in the amount of \$40,268.00.

Mr. Darrell presented a contract with KRM Construction to build out the office space at Rock Hall Volunteer Fire Company used by the Kent County Emergency Medical Services paramedics and EMTs. KRM Construction provided contract pricing based on previous schedule used for the security enhancements at 400 High Street. The contract proposal is \$29,780.00. Emergency Services has \$30,000.00 budgeted for the project. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the KRM Construction proposal to build out office and bathroom space for Kent County Emergency Medical Services at Rock Hall Volunteer Fire Company in the amount of \$29,780.00.

Mr. Darrell, on behalf of the Kent County Fire Chief's Association, presented two (2) appointments to the Kent County Emergency Services Board. One member has resigned leaving a vacancy and another member's term has expired and does not wish to be re-appointed. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to appoint the two (2) individuals as recommended. Michael Heffron has been appointed as Chairperson to serve a three-year term with an expiration date of October 31, 2024, and Christopher Powell has been appointed to fill the Fire Chief's Association position and will serve a three-year term with an expiration date of September 30, 2024.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented two (2) new Agricultural Advisory Commission (AAC) Appointments. Code Home Rule 9-2021 was

adopted on September 7, 2021, which changed the allowable number of members that can be appointed to the AAC, creating two (2) open positions to fill. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to appoint the recommended candidates. The Commissioners approved to appoint Jeff Pettitt who will serve a two (2) year term with an expiration date of December 31, 2022, and Richard Winters who will serve a three (3) year term with an expiration date of December 31, 2023.

Mr. Mackey presented a request for the Release of Funds and Certification for the Community Development Block Grant (CBDG) Grant MD-22-CD-1. In July, the County Commissioners received approval from the Maryland Department of Housing and Community Development (DHCD) for \$100,000.00 in CBDG funding for a HUD-Certified Housing Counselor (HCHC) for the Maryland Rural Development Corporation (MRDC). The funding is for retention of MRDC's existing HCHC who provides comprehensive housing counseling services. Mr. Mackey stated the Release of Funds and Certification document is required to release funding to the County. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approve the attached request for release of funds and certification worksheet for signature.

PUBLIC WORKS

Mike Moulds, Director, Public Works presented a request to replace three (3) mowers. Mr. Moulds stated three (3) zero turn mowers were approved in the FY2022 budget. Due to limited availability of mowers, two (2) quotes from separate vendors have been obtained. Hooper, Inc. has provided a government pricing quote for a Kubota mower, with trade-in value of two (2) mowers in the amount of \$6,200.00. Atlantic Tractor has provided a government pricing quote for two (2) John Deere mowers, with a trade-in value of one mower in the amount of \$39,835.28. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Hooper, Inc. quote in the amount of \$6,200.00 for the purchase of one new Kubota mower unit with the trade-in of two used units, and the Atlantic Tractor quote in the amount of \$39,835.28 for the purchase of two new John Deere mower units with the trade-in of one used unit.

Mr. Moulds presented for approval a sewer allocation fund transfer for the Kent County Humane Society (KCHS). Mr. Moulds stated at the December 1, 2020, meeting, the Commissioners approved waiving the requirement for the proposed KCHS to purchase water and sewer allocations to reserve capacity for the eight (8) Equivalent Dwelling Units (EDU). The allocation fee revenue is based on \$4,400.00 per EDU for water and \$11,800.00 per EDU for sewer. Based on eight (8) EDU's at a total of \$16,200.00/EDU, the fee is \$129,600.00. It is requested to use contingency funds in the amount of \$129,600.00 for the allocation fee. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to transfer \$129,600.00 from the FY2022 General Fund to the Water and Wastewater Fund to cover the water and sewer allocation fees for the Kent County Humane Society project in Worton.

Commissioner Mason inquired on the balance of the FY2022 Contingency Funds. Ms. Heller stated with the just approved \$129,600.00, the FY2022 Contingency Fund will have a negative balance, however, the approved amount of \$227,000.00 to be taken from Contingency Funds for the Kent County Health Department (KCHD) to hire staff to facilitate vaccination and testing clinics may be able to utilize ARPA funding for these purposes.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Myra Butler, Director, Parks and Recreation, presented a request to fill the Recreation Program Coordinator vacancy. Should the first candidate decline the offer, a second candidate has been chosen. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the individual to fill the vacant Recreation Program Coordinator position in the Parks and Recreation Department as requested, pending successful completion of County pre-employment requirements.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator presented Resolution 2021-16 Support of a Replacement Bridge at the Current Crossing of the William Preston Lane Jr. Memorial Bridge Otherwise Known as the Chesapeake Bay Bridge. Ms. Heller stated Queen Anne's County and Anne Arundel County have adopted resolutions with the proposal of building a new Chesapeake Bay Bridge to replace the existing structures. At their October 19th meeting, the Commissioners directed staff to draft a support resolution for Queen Anne's County and Anne Arundel Counties. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to adopt Resolution 2021-16 Support of a Replacement Bridge at the Current Crossing of the William Preston Lane Jr. Memorial Bridge Otherwise Known as the Chesapeake Bay Bridge as presented.

Ms. Heller indicated the 2022 General Assembly Session is approaching and Maryland Association of Counties (MACo) is seeking nominations of County elected officials to serve on MACo's Legislative Committee. Currently, Commissioner Jacob serves as the primary official and Ms. Heller as the secondary official. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to continue with the current representatives as it is. Commissioner Jacob will continue to serve as the primary official and Ms. Heller will be the secondary official to serve on the 2022 MACo Legislative Committee.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported a correspondence dated October 20, 2021, was received from Dr. Karen Couch, Superintendent, Kent County Public Schools, regarding additional safety measures at Kent County High School. Commissioner Fithian read into record two (2) correspondences, one from the County Commissioner and Sheriff John F. Price to Dr. Couch, and one from Dr. Couch to the County Commissioners.

Ms. Heller reported a correspondence dated October 19, 2021, was sent to Kristin Case Lawrence, Public Utility Law Judge, Public Service Commission of Maryland, regarding Morgnec Road Solar, LLC – PSC Case No. 9499 – Second Public Comment Hearing. The Commissioners have stated they respectfully decline to sit jointly with Judge Lawrence at the Second Public Comment Hearing.

PUBLIC COMMENT

The procedures for public comment were in effect. John Massey, citizen, commended the several County first responder organizations on their professionalism during a recent family incident.

FOR YOUR INFORMATION

A correspondence dated October 18, 2021, addressed to Economic Development Administration (EDA), U.S. Department of Commerce, was copied to the Commissioners regarding Coalition – Build Back Better Challenge – Chesapeake Ferry Project.

CONTINGENCY FUND

The FY2022 Contingency balance as of October 12, 2021, is \$91,193.00 and the FY2022 Use of Fund Balance total is \$69,932.00.

CLOSED SESSION

At 10:39 a.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go into 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 (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to” (i) “security assessments or deployments relating to information resources technology”; (ii) “network security information,” such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) “deployments or implementation of security personnel, critical infrastructure, or security devices.

Topic to be discussed: Individual member serving on a Board/Commission; to consult with counsel to obtain legal advice; and to discuss network security.

Reason for closing: Discussion of a Board/Commission member is confidential and must be shielded; to obtain legal advice regarding two legal matters; and to protect the County's network assets and topology.

LEGAL

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Mike Moulds, Director, Public Works; Bill Mackey, Director, Planning, Housing, and Zoning; Sallie Watson, Deputy Clerk II; and Lacey T. Cox, Deputy Clerk I, were in attendance.

Topics to be discussed: To consult with counsel to obtain legal advice.

Reasons for closing: To obtain legal advice regarding two legal matters

Mr. Yeager, Mr. Moulds, and the Commissioners engaged in two (2) discussions regarding County owned property boundary lines, and the Village at Kennedyville Public Works Agreement, and Mr. Yeager provided legal advice and a response to the matters.

At 12:29 p.m. Mr. Moulds and Mr. Mackey left the meeting.

PERSONNEL

Ms. Heller; Mr. Yeager; Jamie Williams; Director, Economic and Tourism Development; Ms. Watson; and Ms. Cox, were also in attendance.

Topics to be discussed: Individual member serving on a Board/Commission.

Reasons for closing: Discussion of a Board/Commission member is confidential and must be shielded.

Ms. Heller, Ms. Williams, and the Commissioners engaged in a discussion regarding a member on the Economic and Tourism Development Commission.

At 12:34 p.m. Ms. Williams left the meeting.

SECURITY

Ms. Heller; Mr. Yeager; Mr. Boone; Ms. Watson; and Ms. Cox, were also in attendance.

Topics to be discussed: To discuss network security.

Reasons for closing: To protect the County's network assets and topology.

Ms. Heller, Mr. Boone, and the Commissioners engaged in a discussion on the security assessment of Kent County IT network security.

At 12:47 p.m. Mr. Boone left the meeting.

At 12:53 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in open session.

OPEN SESSION

In closed session, there were four (4) matters discussed.

First Topic: The Commissioners and staff discussed County owned property lines. The Commissioner directed staff to move forward as discussed.

Second Topic: The Commissioners and staff discussed a Public Works Agreement for the Village at Kennedyville. The Commissioners directed staff to proceed as discussed.

Third Topic: The Commissioners and staff discussed the Economic and Tourism Development Commission members and at this time staff is directed to maintain seven (7) members and send a thank you letter to the member no longer serving on the Commission.

Fourth Topic: The Commissioners and staff discussed IT Security. The Commissioners instructed staff to proceed with procurement using ARPA funds.

At 12:55 p.m. a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, November 2, 2021, at 6:00 p.m.

Respectfully submitted,

Sallie Watson
Deputy Clerk II

Approved:

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

October 26, 2021

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; and Thomas N. Yeager, County Attorney, were also present.

CONSENT ITEM

On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, October 19, 2021.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Brandon McFayden, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) presented two (2) companion add-ons to existing alcohol establishments. Mr. McFayden stated Watershed on High Restaurant submitted a companion application to add a Corkage Privilege (CKP) to their existing license. Mr. McFayden explained he has completed the necessary education for the privilege. Watershed currently holds License No. 4723, a Class B, Beer, Wine and Liquor License with Caterer's Privilege. This is a no cost privilege. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Corkage Privilege for Watershed on High Restaurant. Mr. McFayden presented a second companion add-on for a licensed establishment. Mr. McFayden stated Backfin, LP has submitted a companion application for a Beer, Wine, and Liquor Tasting (BWL) Privilege. There is a \$100.00 fee to have the privilege for six (6) months. Mr. McFayden explained he has completed the necessary education for the privilege. The Backfin currently holds License No. 4730, a Class A, Beer, Wine, and Liquor License. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Beer, Wine, and Liquor Tasting Privilege effective November 1st.

Commissioner Jacob inquired if establishments who do not hold a liquor license are permitted to allow customers to "Bring Your Own Beer" (BYOB). After discussion, the Commissioners directed staff to determine the BYOB status for non-licensed establishments.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, November 2, 2021, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sallie Watson
Deputy Clerk II

Approved:

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