

September 7, 2021

A meeting of the County Commissioners of Kent County was called to order at 6:02 p.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 start of the new school year at Kent County Public Schools, wishing the students, teachers, administration, and support staff a good school year.

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

CONSENT ITEMS

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

1. Regular Session Minutes, August 31, 2021
2. Closed Session Minutes, August 31, 2021
3. Liquor Minutes, August 31, 2021

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney, presented an item for legislative action, Code Home Rule Bill No. 9-2021 Agriculture Advisory Commission. Mr. Yeager recounted the bill was amended after its introduction. Any subsequent vote should acknowledge the amendment. Bill Mackey, Director, Planning, Housing, and Zoning joined Mr. Yeager to answer any questions the Board may have.

LEGISLATIVE SESSION

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to go into legislative session.

3rd Read and Vote – Code Home Rule Bill No. 9-2021 Agriculture Advisory Commission

AN ACT to amend Chapter 172, Agriculture Advisory Commission, of the Code of Public Laws of Kent County, Maryland, by amending the text to change the total number of members from seven to no less than seven and no more than nine. The Ordinance was introduced and read for the first time on July 6, 2021, amended by interlineation, and a public hearing was held on August 3, 2021, at 6:00 p.m. No comments were received during the comment period. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the amended version which states no less than seven and no more than nine members.

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to go out of legislative session and return to regular session.

PROCLAMATION

September is United Way Month - Commissioner Mason read the proclamation into record. United Way, a progressive and flexible program enables people to care for civic needs as they emerge under changing social conditions. Since its inception, the United Way of Kent County has distributed over \$4.9 million to programs that directly benefit the citizens of Kent County.

UPPER SHORE AGING

Gary Gunther, Executive Director, Upper Shore Aging (USA), Inc., discussed the Maryland Department of Aging Annual Senior Care Program Plan for Kent County. USA serves as the lead agency and administrator of the Senior Care Program. USA coordinates with the Kent County Health Department and the Department of Social Services to provide services. The Senior Care System provides case management and funds for services for people sixty-five (65) or older. Senior Care provides a comprehensive assessment of an individual's needs, a case manager to secure and coordinate services, and a pool of gap filling funds to purchase services for individuals who meet program eligibility requirements. Services may include personal care, chore services, medications, medical supplies, adult day care, respite care, meals, and transportation. The FY2022 budget for the Program is \$115,000.00. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to have Mr. Gunther submit the Plan as presented.

PLANNING, HOUSING, AND ZONING

Mr. Mackey presented the Community Development Block Grant (CDBG) Subrecipient Agreement for the Maryland Rural Development Corporation (MRDC). In July 2020, Kent County was approved for a federal grant to provide rental assistance in the amount of \$84,246.39 through the Maryland Department of Housing and Community Development (DHCD) and the CDBG program. In May 2021, the original Grantee Agreement was amended so the CDBG funds could be utilized to support the distribution of Emergency Rental Assistance Program (ERAP) funds in the amount of \$1,332,475.00. The funds were approved in 2021 through DHCD for the County. As part of the implementation process, the County will pass through the CDBG funding to MRDC to help provide services directly to clientele. Staff recommends approval. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the CDBG subrecipient agreement for signature.

Mr. Mackey presented the CDBG Subrecipient Agreement for Mid Shore Pro Bono (MSPB). Mr. Mackey stated as part of the process, the County will be the pass-through entity of \$5,006.39 for CDBG funding to MSPB. The funding will provide legal services to clientele to avoid eviction. MSPB is strengthening the ERAP by providing free legal advice to tenants, who would not otherwise have legal representation for failure to pay rent and or eviction proceedings.

MSPB provides a lawyer to be present in court one day per week, during landlord/tenant proceedings. MSPB has aided nineteen (19) Kent County tenants since the courts reopened in March 2021. Staff recommends approval. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the CDBG Subrecipient Agreement with Mid Shore Pro Bono for signature.

Mr. Mackey presented Letters of Credit (LOC) issued for Brickyard Land Holdings, LLC for the Gillespie Precast project located at 102 Brickyard Road in Chestertown. A correspondence dated April 21, 2021, was received from Robert Thompson, Senior Vice President, Chesapeake Bank and Trust Company, requesting review of the project. Staff recommends the release of the following three (3) LOC: No. 149, in the amount of \$14,356.00 for landscaping and afforestation; No. 150, in the amount of \$29,975.00 for sediment and erosion control; and No. 151 in the amount of \$216,161.00 for stormwater management. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to release three (3) Irrevocable Letters of Credit as requested.

Mr. Mackey presented a LOC issued for Morgan Creek Land Holdings, LLC for a project located at 27030 Morgnec Road in Chestertown. A correspondence dated April 21, 2021, was received from Mr. Thompson, requesting a review of the project. Staff recommends the release of LOC No. 153, in the amount of \$13,305.00 for landscaping and afforestation. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to release the Irrevocable Letter of Credit No. 153 as requested.

Mr. Mackey presented Letters of Credit issued for CreaFill Fibers Corporation for a shipping and receiving improvement project at 10200 Worton Road in Chestertown. Correspondences dated August 24, 2021, from Lori Toevs, Controller, CreaFill Fibers Corporation, requested the release of the LOC. Staff recommends the release of the following three (3) LOC: No. 18130603-00-000, in the amount of \$7,870.00 for afforestation; No. 18130605-00-000, in the amount of \$130,409.00 and No. 1830606-00-000, in the amount of \$96,061.00, both issued for sediment and erosion control. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to release the three (3) Letters of Credit as requested.

HUMAN RESOURCES

Shelley L. Heller, County Administrator, on behalf of the Human Resources Department, presented an amendment to the Holiday Leave policy of the Kent County Employee Handbook. Ms. Heller stated Juneteenth, National Freedom Day was designated as a legal holiday through Federal and State 2021 legislation. The Commissioners also recognized June 19, 2021 as a paid employee holiday. The proposed amendment adds Juneteenth to the list of recognized paid holidays for eligible County employees. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to amend the Employee Handbook Holiday Leave policy as proposed. The Commissioners signed Resolution 2021-14, Amendments to Kent County Employee Handbook.

Ms. Heller offered each of the following employment requests with a recommended grade and salary, pending successful completion of County pre-employment requirements.

Ms. Heller, on behalf of Herbert Dennis, Warden, Kent County Detention Center, presented a request to hire two (2) recommended applicants to fill Correctional Officer vacancies. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Ms. Heller, on behalf of Myra Butler, Director, Parks and Recreation, presented a request to hire an applicant for the Recreation Program Coordinator vacancy. Should the first candidate choose not to accept the offer, a second candidate was offered. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Ms. Heller, on behalf of Ms. Butler, presented a request to hire an applicant for the full-time Facility Monitor position. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to hire the recommended individual for full-time Facility Monitor position in the Parks and Recreation Department.

Ms. Heller, on behalf of Mike Moulds, Director, Public Works, presented a request to hire an applicant for the part-time Recycling Attendant for the Environmental Operations Division, not to exceed 800 hours annually. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Ms. Heller, on behalf of Mr. Moulds, presented a request to hire an applicant to fill a MEO II vacancy in the Roads Division. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Ms. Heller, on behalf of Mr. Moulds, presented a request to hire an applicant for the Plant Operator I vacancy in the Water and Wastewater Division. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

PARKS AND RECREATION

Ms. Butler provided a departmental update on summer operations and programs. Ms. Butler gave an overview of summer programs, the pool season, and Betterton Beach attendance. New fitness equipment has been received and placed in the Multi-Purpose Fitness room at the Community Center. Ms. Butler announced upcoming fall programs, hours of operation, afterschool programs, and the youth basketball program.

PUBLIC WORKS

Mr. Moulds presented a request to replace the carpet at the Kent County Circuit Court in the court room. Mr. Moulds stated the project was competitively bid and four (4) bids were received. The lowest responsive bid was from Chesapeake Family Flooring in the amount of \$41,130.24. The FY2022 budget included \$34,000.00 for the project. An additional \$7,130.24 from contingency fund is requested for the cost overage. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously awarded and signed the contract for project #BM 22-01, Carpet Replacement at the Kent County Circuit Court, to Chesapeake Family Flooring for the bid amount of \$41,130.24, being the lowest responsive bid, with \$7,130.24 allocated from contingency funds to cover the remaining cost.

Mr. Moulds and Marty Holden, Division Chief, Environmental Operations presented for discussion a property line adjustment at Buck Neck Public Landing and Worton Creek Marina. Mr. Moulds stated John Patnovic, owner of Worton Creek Marina conveyed a need to replace underground fueling storage tanks with above ground replacements. An investigation determined the tanks are on County property. Mr. Moulds is aware of encroachment of the existing building and complaints about use of the landing. Funding was requested to perform a survey to determine the landing boundary lines due to an absence of physical monumentation on the property lines. In addition to the fuel tanks, there is also encroachment of the above ground propane tanks and fencing. Mr. Patnovic is requesting to locate the above ground tanks in the same location as the existing underground tanks. Staff intends to resolve issues and establish property boundaries. Mr. Moulds requested that Mr. Patnovic prepare a survey proposal for a lot line adjustment for consideration by the Commissioners. Discussion took place. The Commissioners were amenable to the proposed changes and an equal trade of land. Mr. Yeager provided legal advice on the matter and will draft the necessary proposals.

Mr. Moulds discussed roadway paving projects on behalf of the Roads Division. Mr. Moulds stated during the FY2022 budget, the Department allocated \$350,000.00 for roadway paving projects and \$350,000.00 for roadway patching projects. Staff recommends David A. Bramble, Inc. to perform/complete all paving projects under an existing State Highway Contract No. XY8145177. The contract covers millings, grinding, and resurfacing pavements at Handy Point Road, Porters Grove Road, and Shadding Reach Road in the amount of \$520,050.00. The remaining balance of \$179,950.00 will be used for roadway patching projects. The funding comes from Highway User Revenue in the amount of \$480,751.00 and \$39,299.00 of County funding. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved a Contract with David A. Bramble, Inc. for blacktop paving in the amount of \$520,050.00 under the conditions of an existing State Highway Contract No. XY8145177.

Mr. Moulds presented a request to support a Maryland Department of Transportation (MDOT) project. The installation of additional survey control throughout Kent County will provide more accurate Global Positioning System (GPS) and Geographic Information System (GIS) survey and mapping. Mr. Moulds explained MDOT is working on survey control monumentation throughout the State. Kent County's project would provide vertical and horizontal accuracy and a consistent elevation standard. MDOT has allocated \$60,000.00 in funding towards resetting twenty (20) existing monuments and installing an additional forty (40)

monuments across the County. MDOT requested support from the County for labor, equipment and supplies to assist with the installation of the new monuments. Mr. Moulds stated the materials are budgeted at \$4,300.00, and it is estimated that ten (10) monuments can be set per day with the assistance of a four (4) man crew. The work is proposed for this fall. Mr. Moulds indicated the Department can reallocate funds in the current budget to provide the necessary support. Discussion took place. The Commissioners granted permission for the project to move forward.

Mr. Moulds presented a Perpetual Shared Use Facility Easement and Right-of-Way Agreement. Mr. Moulds stated the Cacaway Housing Cooperative is in the process of completing items required by Maryland Department of the Environment (MDE) and the County in accordance with the Shared Sewage Disposal Facility Agreement. One of the requirements for the County to assume operation and maintenance is to execute a Deed of Easement to provide access to the facilities and authorize the State Health Department and Department of Environment to conduct inspections of the facilities. Mr. Moulds stated there are still additional items that need to be completed by Cacaway Farm Cooperative prior to the County assuming operational responsibility. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved and signed the Perpetual Shared Use Facility Easement and Right-of-Way Agreement for the Cacaway Farm Shared Sewage Disposal Facility.

Mr. Moulds presented a Public Works Agreement (PWA). The Humane Society of Kent County, Inc., has signed the PWA and posted the required letter of credit for improvements which include offsite extensions of the water and sewer mains. Staff recommends approval. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved and signed the Public Works Agreement with the Humane Society of Kent County.

Mr. Moulds presented a Letter of Credit (LOC) issued for CreaFill Fibers Corporation for a shipping and receiving improvement project at 10200 Worton Road in Chestertown. Correspondence dated August 24, 2021, were received from Lori Toevs, Controller, CreaFill Fibers Corporation, requesting the release of the LOC. Staff recommends approval of the request. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved to release the water and sewer improvements Letter of Credit No. 18130604-00-000 in the amount of \$40,451.00 for the CreaFill Fibers Shipping and Receiving additions project.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, read a correspondence dated August 30, 2021, addressed to the Commissioners from Claude J. Morales, Mayor, Town of Millington. The letter conveyed the Town's interest in studying the creation of a new centrally located Wastewater Treatment Facility in Millington. Discussion took place. Commissioner Fithian suggested the Board send a response letter to Mr. Morales.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported a raffle only permit was issued on August 26, 2021, to Community Volunteer Fire Company of Millington for an event on November 26, 2021. A second raffle only permit was issued on August 26, 2021, to Soroptimist International of Kent and Queen Anne's County for an event on December 5, 2021. Both organizations requested permission to sell raffle tickets on September 1, 2021. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Board unanimously ratified the issuance of both permits.

CERTIFICATES FOR SIGNATURE

The Commissioners signed Certificates of Appreciation for Karen L. Miller and S. Wickes Westcott. Kent Soil and Water Conservation District will hold "A Day of Celebration" event on September 11, 2021 to observe both honorees many years of public service.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were received from citizens.

FOR YOUR INFORMATION

A Kent County Volunteer Fair will be held on September 11, 2021, from 9:00 a.m. – Noon, at the south end of the Chestertown Farmers Market. For information email kentcountyvolunteers@gmail.com.

The Commissioners received a correspondence dated August 11, 2021, from Timothy S. Ailsworth, Executive Director, Local Government Insurance Trust (LGIT), thanking the Commissioners for their continued loyalty and partnership with the Trust. The County has been a member of LGIT for thirty-four (34) years.

The Commissioners received a note from Carolyn Sorge, Betterton Heritage, thanking the Commissioners for their support of the Museums of Kent County and the generosity of funds given.

CONTINGENCY FUND

The FY2022 Contingency Fund balance as of August 24, 2021, is \$173,000.00 and the FY2022 use of fund balance total is \$69,932.00.

At 7:47 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, September 14, 2021, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

September 7, 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 in attendance.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #3 - Liquor Minutes, August 31, 2021.

COUNTY ADMINISTRATOR REPORT

Shelley L. Heller, County Administrator stated an application for a Special Class C, Beer Only license was received from Sultana Education for an event scheduled on September 3, 2021. A per diem license was granted August 31, 2021. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Board unanimously ratified the issuance of the license.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sondra M. Blackiston, Clerk/KATE Manager reported on August 24, 2021, the Board approved The Backfin, LP for a Class A, Beer, Wine, and Liquor License. On August 30, 2021, License No. 4730 was issued.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, September 14, 2021, 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