

September 6, 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, 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 the families of those who had boating accidents during the Labor Day weekend and for those who use our local waterways to be safe.

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, August 23, 2022
2. Liquor Minutes, August 23, 2022
3. Enterprise Fleet Management Leases: Quote Nos. 6637019 and 6637355
4. Mike Moulds, Director, Public Works, Sewer Allocation Request and Public Works Agreement, Richard A. and Suellen K. Remley
5. John Price, Sheriff, Kent County Sheriff's Office, Sex Offender Compliance and Enforcement in Maryland, Grant Award and Acceptance No. SOCM-2023-0022
6. Chestertown Lions Club, Raffle Only, September 7, 2022 – January 12, 2023
7. Republicans of Kent, Raffle Only, September 18, 2022

PROCLAMATIONS

2022 Kent Goes Purple: Commissioner Mason read the proclamation. Kent Goes Purple is a substance abuse awareness and prevention initiative of the Kent County Sheriff's Office and Chestertown Rotary Club that will engage our community and youth to stand up against substance abuse. Andrew Meehan, Member, Chestertown Rotary Club, John Price, Sheriff, and Dennis Hickman, Captain, Kent County Sheriff's Office were in attendance to provide support for the Kent Goes Purple initiative. Mr. Meehan stated Kent Goes Purple, and the Color Run started five (5) years ago. The Kent Sheriff's Office and The Chestertown Rotary Club offer encouragement and support with a host of speakers who share stories with our youth and the community to help with substance abuse awareness and prevention.

September 11-17, 2022 is Elks National Patriotism Week: Commissioner Fithian read the proclamation. The Benevolent and Protective Order of the Elks promotes the ideals that the citizens of this nation live in freedom, won through the great sacrifices and many tribulations which have provided the foundation for a free, prosperous, and independent life. Members of the Chestertown Elks Lodge #2474 were in attendance to receive the Proclamation. The Chestertown Elks Lodge #2474 does a lot for the community and surrounding counties throughout the year. The purpose of the proclamation is to honor and recognize our veterans and patriots for more time than has been previously given.

United Way Month: Commissioner Jacob read the proclamation. The United Way is a non-profit fundraising organization. It is a progressive and flexible program enabling people to care for civic needs as they emerge under changing social conditions. United Way of Kent County celebrates its 65th year in operation this year, and has since its inception, distributed over \$5.1 million to programs that directly benefit the citizens of Kent County. Hope Clark, Executive Director, DeLia Shoge, Board President, and Muriel Cole, Board Secretary were present to accept the proclamation. Ms. Clark gave an overview of the United Way organization and some of the services they provide. Ms. Clark thanked the many donors, including the County Commissioners, for their continued support.

ECONOMIC AND TOURISM DEVELOPMENT

Dawson Hunter, Housing and Transportation Coordinator, Economic and Tourism Development, and Rick Carter, Delmarva Craft, provided an overview of a transportation initiative. The Kent County Rides Mobile Application (app) was recently launched. Upper Shore Regional Council and Kent County Economic and Tourism Development help support the project. The app aims to provide a central source for all transportation options in Kent County and convenient access to these options via mobile electronic devices. The project has increased access to public transportation and ridership continues to increase. Discussion took place. The Commissioners thanked Mr. Carter and Mr. Hunter for their continued efforts in trying to bring convenient transportation options to Kent County.

Shelley Heller, Administrator, on behalf of Jamie Williams, Director, Economic and Tourism Development (ETD), presented a recommendation for the reappointment of a member to the ETD Commission. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request. Tracey Williams has been reappointed to serve a three (3) year term ending September 6, 2025, on the Economic and Tourism Development Commission.

INFORMATION TECHNOLOGY (IT)

Scott Boone, Director, and April Bitter, Project Manager, Information Technology, presented two (2) Memorandum of Understandings (MOU) and two (2) Broadband Infrastructure Contracts for approval. On December 14, 2021, the Commissioners approved American Rescue Plan Act (ARPA) funds as matching funds for the projects, agreed to act as a pass-through entity, and provide a 5% match for Neighborhood Grants and Infrastructure Grants. On December 22, 2021, Kent County in partnership with ThinkBig Networks and Talkie Communications applied for eleven (11) Neighborhood Connect Grants to the Office of Statewide Broadband (OSB) through the Department of Housing and Community Development (DHCD).

Talkie Communications, Inc. was awarded the following from OSB:
Bakers Lane - \$500,000.00

Chantilly Farm Lane - \$417,288.00
Lovers, Stockton, Chinquapin - \$298,962.00

Macs Lane - \$500,000.00

River Road - \$375,711.00

Shallcross Wharf - \$500,000.00

Ricauds Branch - 488,222.00

Still Pond A - \$500,000.00

Still Pond B - \$500,000.00

ThinkBig Networks, LLC was awarded the following from OSB:

The Martin Wagner Project - \$97,947.00

The Gregg Neck Project- \$204,802.00

The projects must be completed by December 31, 2023. Neighborhood Connect Maryland Broadband Funding Program requires the recipients of the grant funding to approve and sign an MOU. A detailed funding breakdown of each Internet Service Provider's (ISP) awarded project was provided for the Board's review. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Memorandum of Understanding with the Department of Housing and Community Development, and a motion to approve the Broadband Infrastructure Contracts with ThinkBig Networks, LLC and Talkie Communications, Inc. These contracts are required to be in place in addition to the MOUs for the Neighborhood Connect Maryland Broadband grant funds.

OFFICE OF FINANCE

Patricia Merritt, Chief Finance Officer, Office of Finance, discussed a request to renew a contract. The County currently has a contract with OpenGov for Reporting, Analytics, and Transparency software that is up for renewal. The contract has a 5% price increase, and that price will remain constant for the next four (4) years. The OpenGov services are included in the FY2023 budget and the 5% price increase can be absorbed within the existing budget. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the renewal of the OpenGov contract as presented.

Ms. Merritt stated that there were contingency funds allocated in FY2022 in the amount of \$41,710.00 for concrete, ceiling, and electrical work in the pavilion area at the Kent Ag Center. Most of the work was completed in FY2022 however there are costs that will carry over to FY2023. The remaining electrical work will require FY2023 contingency funds in the amount of \$9,600.00. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to use of FY2023 contingency funds to finish the electrical work at the Kent Ag Center.

KENT COUNTY LOCAL MANAGEMENT BOARD (KCLMB)

Rosemary Ramsey Granillo, Director, Kent County Local Management Board, presented a request for contingency funds. In June 2022 the Commissioners approved the allocation of \$6,775.00 in FY2022 contingency funds to fund a portion of the cost of furniture for the newly relocated KCLMB office. The total purchase cost was \$15,545.83. The furniture was not

delivered before the end of the fiscal year, therefore the expense occurred in FY2023. KCLMB is requesting the Commissioners' approval to allocate the total project cost from FY2023 contingency funds. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the use of FY2023 contingency funds to complete the purchase of office furniture from Rudolph Supply Company as requested.

PUBLIC WORKS

Mike Moulds, Director, Public Works, discussed the Worton Park multipurpose field lighting project. The County was awarded funding in FY2022 under a Local Parks and Playground Infrastructure (LPPI) grant for the installation of lighting multipurpose field #2 at Worton Park. The grant is 100% funded by the Department of Natural Resources. Grant LPPI-14-10 is in the amount of \$509,310.00 with \$340,000.00 budgeted for the lighting installation and \$5,000.00 to extend power to the field. The remaining funding is for the replacement of the picnic pavilion roof and new playground equipment. A proposal was received from MUSCO Sports Lighting, LLC to perform the installation of the four poles and LED lighting at multipurpose field #2. The pole installation will allow the mounting of future lighting for the adjacent multipurpose fields on either side. Due to inflationary impacts, a revised proposal was received for the lighting at a new cost of \$359,127.00 for an increase of \$19,127.00. The allocation of \$20,000.00 from contingency funds is requested to cover the cost increase and add a buffer on the power extension cost. The proposal from MUSCO is provided under a competitive Cooperative Government Purchasing Agreement through Sourcwell. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to award and sign the contract for sports field lighting with MUSCO Sports Lighting, LLC under a competitive Cooperative Government Purchasing Agreement through Sourcwell in the amount of \$359,127.00 with an additional \$20,000.00 of contingency funds to cover price increases for the lighting and electric power extension. The \$20,000.00 from contingency funds exceeds the allocated \$345,000.00 in LPPI grant funding available for the project.

Mr. Moulds presented a request to approve two initial work assignments to further define the public safety building needs and pursue the next step in obtaining State funding for the renovation of the Detention Center. Discussions have been held with an architect on the preferred method for proceeding with the design work. Crabtree, Rohrbaugh & Associates (CRA) has provided a proposal for two work assignments under the A/E Team Master Agreement for a total cost of \$87,060.00 to refine the design requirements for the Public Safety Complex and continue the funding application process for the Detention Center Renovations. Work Assignment One will be to update and refine the building program to incorporate discussions with the Department heads to explore potential cost savings and specific needs. CRA will also utilize the Forella Group to provide cost estimating insight associated with options being considered as well as factoring in impacts from the current economic climate. The second work assignment will be the development of the Part Two submittal to the State. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners

unanimously approved Work Assignment One and Two in the amounts of \$22,500.00 and \$64,560.00 respectively with Crabtree, Rohrbaugh, and Associates Architects under a Master Indefinite Delivery/Indefinite Quantity (IDIQ) Agreement for architectural services on the Public Safety Building Project.

Mr. Moulds presented a request for the approval of a contract for a blacktop paving project. The County Roads Division budgeted \$287,100.00 for roadway paving projects and \$340,000.00 for roadway patching projects. The request is for approval for David A. Bramble, Inc. to complete all paving projects under an existing Maryland Department of Transportation State Highway Administration Contract Number XY9145177. The contract covers millings, grinding, and resurfacing pavements on Quaker Neck Landing Road for a total cost of \$316,800.00. Due to cost escalation, the difference of \$29,700.00 will be paid for out of the roadway patching project budget. The County is responsible for paving all areas. Discussion took place. On a 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 \$316,800.00 for paving Quaker Neck Landing Road under the conditions of an existing Maryland Department of Transportation State Highway Administration Contract Number XY9145177.

Commissioner Mason inquired about the cost of removing asbestos from the two buildings at the Kent Ag Center. An asbestos assessment report would be needed for both buildings. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to allocate no more than \$1,000.00 to complete an asbestos assessment report for two buildings at the Kent Ag Center.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, reported that letters have been sent inviting Senator Hershey, Delegates Jacobs, Arentz, and Ghrist, and the five municipalities to attend the Consolidated Transportation Programs (CTP) tour. The CTP tour is scheduled for September 20, 2022, meeting at 6:00 p.m.

Ms. Heller made a public service announcement that in mid-September, the Maryland Department of Transportation State Highway Administration (MDOT SHA) will resurface MD 213 (Maple Avenue) from the drawbridge at Chester River to just north of Spring Avenue. This will be overnight work (Sunday nights through Friday mornings) to minimize traffic impacts and will include milling, patching, paving, and striping. Also, in mid-September crews from SHA's Office of Structures will repair/replace windows in the drawbridge tender house; this will be overnight work as well, and some preliminary site preparation is already underway. With good weather, both projects will be completed in about two weeks. Motorists should expect single lane closures and flagging, with brief delays possible during work hours.

LETTER FOR SIGNATURE

At the Commissioners' August 23, 2022, meeting it was decided to deny the request for a waiver of interest and penalty fees for Kyle O'Donnell, District Financial Officer, District 2 MDOT State Highway Administration. A response letter addressed to Mr. O'Donnell informing him of the denial of his request was submitted for the Commissioners to sign.

PUBLIC COMMENT

The procedures for public comment were in effect.

FOR YOUR INFORMATION

A correspondence dated, August 10, 2022, was received from James F. Ports, Jr., Secretary, Maryland Department of Transportation, sent a correspondence seeking support from the Commissioners for solutions to make Maryland roadways safer.

A correspondence dated, July 25, 2022, was received from Wayne R. Silver, Sr., Executive Director, Police Training and Standards Commission, Department of Public Safety and Correctional Services, informing the Commissioners of a required forty (40) hour training program for members of the Police Accountability Board (PAB) Administrative Charging Committee (ACC) training.

A correspondence dated, August 3, 2022, was received from Patrick F. Sacibit, Branch Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, U.S. Department of Homeland Security, stating that a request was made (Case No. 22-03-1026) asking the Federal Emergency Management Agency (FEMA) issue a Letter of Map Amendment in accordance with the National Flood Insurance Program (NFIP) regulations. Using the information submitted and the effective NFIP map, it was determined that the structure on the property described in the letter is located within the Special Flood Hazard Area (SFHA) and the Coastal High Hazard Area (CHHA) for the Chesapeake Bay.

A correspondence dated, August 23, 2022, was received from Kevin N. Baynes, Director, State Revitalization Programs, Department of Housing and Community Development, stating the department is required to provide local governments with written notification and the opportunity to comment on applications received under the Baltimore Regional Neighborhood Initiative, Community Legacy, National Capital Strategic Economic Development Fund, Seed Community Anchor Institution Program, Strategic Demolition Fund-Statewide, and Strategic Demolition Fund - Project C.O.R.E. An application was received under the aforementioned programs that are located within your jurisdiction. The project encompasses the construction of two affordable homes in the Worton area by Kent Attainable Housing, Inc.

A correspondence dated, July 13, 2022, was received from Robin Davenport, Executive Director, Court Appointed Special Advocates (CASA) for Children of the Mid-Shore, thanking the County Commissioners for the generous allocation for FY2023.

A correspondence dated, August 27, 2022, was received from Barbara Jorgenson, President, The Historical Society of Kent County, expressing their appreciation to the Kent County Commissioners and office for the donation of the Kent County flag.

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 August 9, 2022, is \$348,709.00, and FY2023 has had no use of Fund Balance to date.

CLOSED SESSION, PERSONNEL

At 7:24 p.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.

Shelley L. Heller, County Administrator; Mike Moulds, Director, Public Works; Marty Hale, Director, Human Resources; Sondra M. Blackiston, Clerk/KATE Manager; Lacey T. Cox, Deputy Clerk II, and Tonya Thomas, Deputy Clerk II were also in attendance.

Topic to be discussed: Personnel matters specific to qualifications and compensation are confidential.

Reason for closing: Shielding the individual's application for the purpose of discussing qualifications and compensation.

Marty Hale, Director, Human Resources, and Mike Moulds, Director, Public Works discussed an applicant's qualifications, job specifications, and compensation.

At 7:41 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in an open session.

OPEN SESSION, PERSONNEL

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to direct staff to proceed as discussed in the closed session.

At 7:42 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 20, 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

September 6, 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, August 23, 2022.

SPECIAL CLASS C LICENSES

The Kent Cultural Alliance submitted a Special Class C (Per Diem) liquor license application for Beer, Wine, and Liquor. They will be holding a Jazz Festival on September 9-10, 2022, from Noon to 10:00 p.m. at Wilmer Park in Chestertown on both days. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

The Williams Group submitted a Special Class C (Per Diem) liquor license application for Beer, Wine, and Liquor. They will be holding a Hospital Fundraiser for Hopkins Children's Mo Gaba event on September 10, 2022, from 1:00 p.m. to 4:00 p.m. at 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.

The Chestertown RiverArts submitted a Special Class C (Per Diem) liquor license application for Beer, Wine, and Liquor. They will be holding a Street Art Fair on September 11, 2022, from 1:00 p.m. to 6:00 p.m. at 315 High Street. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

The Betterton Volunteer Fire Company submitted a Special Class C (Per Diem) liquor license application for Beer, and Wine only. They will be holding a fundraiser event on September 17, 2022, from 2:00 p.m. to 6:00 p.m. at Betterton Beach. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

The Chestertown High School Class of '62 submitted a Special Class C (Per Diem) liquor license application for Beer, Wine, and Liquor. They will be holding a 60th Class Reunion on September 17, 2022, from 4:00 p.m. to 8:00 p.m. at 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.

The Kent County Chamber of Commerce submitted a Special Class C (Per Diem) liquor license application for Beer and Wine only. They will be holding a Fall Fest on September 24, 2022, from 2:00 p.m. to 5:00 p.m. at Park Row and High Street. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

PUBLIC HEARING PROTOCOL

Thomas N. Yeager, County Attorney reviewed the public hearing protocols. The hearing was duly advertised to be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on September 6, 2022, at 6:00 p.m. at which time any exceptions to the applications would be heard.

Mr. Yeager administered the Oath to the applicants Fortunato P. Cristiano and Robert T. Connell, Applicants; Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and anyone wishing to testify. The rules for a public hearing were in effect.

PIP'S BAR AND DISCOUNT LIQUORS, INC., TRADING AS PIP'S DISCOUNT LIQUORS, CLASS A BEER, WINE, AND LIQUOR LICENSE WITH BWLT (TASTING) AND EXPR (DELIVERY)

The hearing commenced at 6:09 p.m. Mr. Yeager read the notice into the record. Application has been made by Fortunato P. Cristiano, President, and Robert T. Connell, Vice-President representing Pip's Bar and Discount Liquors Inc., trading as Pip's Discount Liquors, for a Transfer of Location for Class A, Beer, Wine, and Liquor License with BWLT (tasting) and EXPR (delivery). The licensees are applying to move the business from its current address of 2 Washington Square, Chestertown to 861 Washington Square.

Mr. Yeager stated a legal review of the application for transfer was complete. The application also contains the removal of Denise Norman, Secretary, and all is in order. Inspector Pearsall reported on a site inspection of the new location and the current phase of construction. Mr. Yeager stated a letter of opposition was received from Zach Smith, Attorney, of Armistead, Lee, Rust & Wright, P.A. Attorneys at Law. The letter was read and admitted into the record. The letter states the licensees have made false statements, are not legally Kent County residents, and had past legal troubles including transporting alcohol to the State of Delaware.

Mr. Cristiano, the applicant, explained he would like to keep the current location open to serve the community while moving inventory to the new location. The new location will not be open for business until all inventory is moved and the current license is surrendered. Mr. Cristiano is also requesting permission for storage to assist with the process of moving inventory. Commissioner Jacob suggested a letter of support for the storage permit procedure may be helpful to the process. Mr. Connell stated he is the Kent County qualifier. Staff recommends approval of the application with the following contingencies: receipt of a Maryland State-issued permit for the storage unit and documentation that at least one applicant is a Kent County resident.

No other comments were offered in favor of or in opposition to the application. There being no objections, Commissioner Fithian made a motion to approve the application. The transfer of the business from its current address of 2 Washington Square, Chestertown to 861 Washington Square is contingent upon the approval and permit from the State of Maryland for a storage unit and Mr. Connell provides proof of residency. The motion was seconded by Commissioner Jacob; the Commissioners unanimously approved the application.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Inspector Pearsall provided an update on The Backfin, LP trading as the Backfin, LP who was currently operating out of compliance. The payment plan was satisfied on August 29, 2022, which brought the licensees into compliance. An administrative hearing scheduled for the matter has been canceled. This was the final establishment under a payment plan.

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