

August 23, 2022

A meeting of the County Commissioners of Kent County was called to order at 10:02 a.m. with the following present: P. Thomas Mason, President, and Ronald H. Fithian, Member. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for the unforgiving rain and lack thereof throughout the Southwest, the High Plains, and for areas throughout our own region. Robert N. Jacob, Jr., joined the meeting at 10:03 a.m.

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

PUBLIC NOTICES

Code Home Rule Bill No. 6-2022, AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by revising Article V., *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, "Septic tank maintenance and excavation;" by revising Article VII., *Special Exceptions*, Section 6. *Procedures*, by adding the special exception as a new number 39.5 to the un-numbered sub-section that lists those uses requiring review by the Planning Commission prior to review by the Board of Appeals; by revising Article VII., *Special Exceptions*, Section 7. *Special Exceptions*, by creating a new sub-section 54.5 to provide for conditions for the special exception; and by clarifying the existing uses listed in the Land Use Ordinance by adding "and excavation" after "maintenance" in three places: Article V., *District Regulations*, Section 7. *Village District*, 7.2 *Permitted Principal Uses and Structures*, #27; Section 8. *Intense Village*, Section 8.2 *Permitted Principal Uses and Structures*, #10, and Section 9., *Intense Village Critical Area*, Section 9.2 *Permitted Principal Uses and Structures*, #13; and presented in the order that such provisions appear in the Land Use Ordinance. This legislation was adopted on August 2, 2022, without amendments; and the provisions of this Act shall take effect on August 12, 2022.

Code Home Rule Bill No. 7-2022, AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, Solar energy systems, utility scale, on farms in the AZD and RCD, sub-section j. and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k. This legislation was adopted on August 2, 2022, with a suggested amendment; and the provisions of this Act shall take effect on August 12, 2022.

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 9, 2022
2. Liquor Minutes, August 9, 2022

3. CY2021 Planning Commission Annual Report
4. FY2023 Critical Area Grant Program Contract Agreement No. K00P3600078 in the amount of \$6,000.00, and an Authorization Signature Form
5. Bill Mackey, Director, Planning, Housing, and Zoning, Request to Release Letters of Credit Nos. 715 and 716, for Herman and Christine Sparks Hill
6. Mike Moulds, Director, Public Works, Request to Release Letter of Credit No. 717, for Herman and Christine Sparks Hill
7. Marty Holden, Division Chief, Environmental Operations, Citizen Scrap Tire Drop-off Day Event 2022, Intergovernmental Agreement with Maryland Environmental Services, Contract No. 2-23-4-19
8. Tolchester Community Association, Inc., Raffle Only, August 27, 2022
9. Democratic Club of Kent County, Raffle Only, September 15, 2022

COUNTY ATTORNEY

Mr. Yeager presented a Deed of Dedication for the transfer of a shared sanitary facility from Cacaway Farm Cooperation to the County Commissioners of Kent County. Mr. Yeager stated that Mike Moulds, Director, Public Works, reviewed the document. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Deed of Dedication and gave the approval to have Commissioner Mason sign the document. Mr. Yeager will record the Deed of Dedication transferring the shared sanitary facility from Cacaway Farm Cooperation to the County Commissioners of Kent County.

KENT AG CENTER

Cindy Moore and Valerie Mason, Members, of Kent Ag Center, were in attendance to discuss two improvements to the Kent Ag Center fairgrounds. Ms. Moore reported that a reimbursement grant was recently awarded for a proposed project. The funds will be used to build a building with climate control storage that will house an office and a first aid station. These funds are reimbursable upon completion of the project or payable directly to the vendor. Ms. Moore requested the Commissioners' financial backing to pay for the project during the construction process and receive cost reimbursement from the State. The Kent Ag Center is currently seeking bids for the project. Discussion took place. Ms. Heller recommended a memorandum of understanding that would establish all the terms and conditions. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved \$150,000.00 for the Kent County Ag Center project, with the funds to be repaid to the County upon payment from the State.

Ms. Moore and Ms. Mason also proposed a second project to construct a new building for year-round multiple purposes. Ms. Moore described discussions with Senator Hershey's staff about applying for a State funding allocation (capital line budget). Ms. Moore requested a financial commitment for a County-led demolition of existing structures. Ms. Heller recommends the group return with a specific plan for the project to include details about the request for County assistance. A lengthy discussion took place. The Commissioners directed

staff to further research the request. The Commissioners asked the members of the Kent Ag Center to return with a project plan and project costs.

KENT COUNTY LOCAL MANAGEMENT BOARD (KCLMB)

Rosemary Ramsey Granillo, Director, Kent County Local Management Board, accompanied by Kacey Stewart, Assistant Director for Programs and Experiential Learning, Starr Center of Washington College (WAC) introduced a group of students. After a brief introduction by each student, the Commissioners engaged in a question-and-answer session. Each Commissioner explained the duties and responsibilities of being an elected official.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented a revised annexation proposal for 172 Sassafras Street, Millington, MD 21651 for the Town of Millington. Mr. Yeager explained when annexing property, it must have a joint parcel connecting to the town limits. This revision includes a piece of property that will connect the previous Millington Elementary School parcels to property that is already a part of the town limits. Mr. Mackey added additional information to the conversation. Discussion took place. There was a question raised on whether the County wanted to transfer five (5) EDUs with the conveyance of the Millington Elementary School property to the Town. Mr. Moulds stated that he is expecting to receive the feasibility study for Millington within a week or two (2) and could provide more information at that time. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to authorize the revision to the annexation process for 172 Sassafras Street, Millington, MD 21651 as presented.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development (ETD), discussed a proposal to take over the operation of the hotDesks at 903 Washington Avenue - Suite 4, Chestertown, MD 21620. The Eastern Shore Entrepreneurship Center (ESEC) has decided to relinquish its investment and sell its rights to the County for a cost of \$100.00. In 2017 ESEC and the County partnered to open a coworking and incubator space. The lease was signed on March 7, 2017 for 903 Washington Avenue Suite 4, Chestertown, MD 21620. Since that time, the County paid the lease and utilities. ESEC outfitted the space with workstations, a printer, and a 3D printer. In addition, ESEC paid for cleaning, water/coffee service, and handled the administrative functions of managing the memberships. Other partners include the Upper Shore Regional Council (USRC) which contributed to equipment, blinds, and advertising funds; and ThinkBig which provides internet service at no charge. All furniture and equipment will become County property with the Assignment Agreement. The proposal includes a trade name license agreement that stipulates the County can continue to use the hotDesks trade name. Staff recommends approval to allow for the continuation of services. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the hotDesks Assignment Agreement and Trade-Name License Agreement as presented.

Ms. Williams discussed the Rural Maryland Economic Development Fund. On February 18, 2022, Governor Hogan announced a new \$50 Million Rural Maryland Economic Development Fund. Grants of up to \$10 Million were approved for each Rural Regional Council. Kent County was awarded \$2.9 million dollars of the grant funds to use for issues like infrastructure, broadband, and workforce projects. At the August 9, 2022, meeting, the Commissioners approved three projects, the Worton Service District and Sewer Extension project for \$1,694,000.00; the Millington Wastewater Treatment Facility Expansion project for \$1,205,000.00; and the Chestertown Business Campus (CBC) project in the amount of \$700,000.00 to be submitted with the application for the Rural Maryland Economic Development Fund. The Upper Shore Regional Council (USRC) approved the inclusion of the projects submitted by Kent County in the application for grant funding at their full council meeting held on August 19, 2022. The County is required to include a letter of support and a resolution as a part of the application being submitted to the Maryland Department of Commerce. Discussion took place. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the letter of support as presented. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to sign Resolution 2022-12 supporting the Upper Shore Regional Council's \$10 Million list of projects. A letter of support and Resolution 2022-12, Resolution of Support for Rural Maryland Economic Development Fund, will be given to the Upper Shore Regional Council to include with the submission of the grant application for the Rural Maryland Economic Development Fund.

Ms. Williams provided an update on the Worton Track Safety Project. On June 16, 2020, the Commissioners voted unanimously to support the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant application and committed to matching funds in the amount of \$10,000.00. The Project Funding Agreement for the Worton Track Safety Project formalizes the County's commitment and would be included in the project record with the Federal Railroad Administration (FRA). Construction is scheduled for January 31, 2024; therefore, a funding request will be included as a part of the FY2024 budget for ETD. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved signing the Maryland Department of Transportation (MDOT) Maryland Transit Administration (MTA) Worton Track Safety Project for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant application.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Herbert Dennis, Warden, Detention Center, presented a request to hire four (4) candidates. The candidates were recommended to fill position vacancies, at the recommended grade and salary, pending successful completion of pre-employment requirements. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Mr. Hale, on behalf of Wayne Darrell, Director, Emergency Services, presented a request to hire a full-time paramedic at the recommended grade and salary. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended candidate to fill the vacant Paramedic position in the Office of Emergency Services as requested, pending the successful completion of County pre-employment requirements.

Mr. Hale, on behalf of Marty Holden, Division Chief, Environmental Operations, presented a request to hire two (2) part-time recycling attendants at the recommended grade and salary. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended candidates to fill the vacancies as requested, pending successful completion of pre-employment requirements.

Mr. Hale, on behalf of Mike Moulds, Director, Public Works, presented a request to hire a utilities technician at the recommended grade and salary. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved hiring the recommended candidate as presented. Completion of County pre-employment requirements is required.

PUBLIC WORKS

Mr. Moulds presented a request to approve a sole source purchase. The request is to purchase a 2022 Gradall XL4100V (6x4) Wheeled Hydraulic Excavator from Elliott and Franz Inc. They are the sole source licensed Gradall Dealer servicing the state of Maryland. A quote in the amount of \$479,000.00 was provided at a discounted rate greater than that of any existing contracts found on Sourcewell or the Department of General Services websites. The cost to purchase the equipment was included in the FY2023 Budget. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the purchase of the Gradall Excavator.

Mr. Moulds presented a request to approve the purchase of capital equipment. Mr. Moulds asked for the approval to award a contract with Beltway International Trucks LLC for the purchase of a 2024 International Dump Truck with equipment under the existing MDOT SHA Contract No. 001B1600501 in the amount of \$180,000.00. This will replace a 2002 International Dump Truck #64620. Mr. Moulds stated that due to supply shortages the dump truck is not scheduled to be delivered until FY2024 and that is only if the order is placed now. If the Commissioners agree to sign the contract it would guarantee the cost of the dump truck to remain at \$180,000.00 until it can be delivered. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the purchase of a replacement dump truck.

Mr. Moulds presented a request to award a contract with Guardrails Etc., Inc. The Roads Division has received FY2023 Funding approval in the amount of \$78,000.00 for guardrail roadway projects. The guardrail roadway projects include Clark Road and various other

roadway repairs. Mr. Moulds requested renewal approval as has been done in prior years to piggyback on SHA/MDOT Contract No. 477D21424 to perform and provide all guardrail materials and services. This contract ends on December 31, 2024, and will have the option of a one (1) year renewal upon mutual agreement of the Contractor and owner and is subject to available funding. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the contract renewal. Guardrails Etc., Inc. will perform and provide all guardrail materials and services in the amount of \$78,000.00 under a contract with SHA/MDOT Contract No. 477D21424.

Mr. Moulds provided a departmental update. The project to upgrade field lights at Worton Park has begun. Again, due to supply shortages and inflation, there is a projected cost overrun. A funding request is forthcoming. Rehabilitation work has begun for bridges K-001 and K-002. Due to staff absence, weed control operations will pause for a few weeks.

COUNTY ADMINISTRATOR

Shelley Heller, Administrator, on behalf of Sheriff Price, presented the Kent County Sheriff's Office Equitable Sharing Agreement and Certification report for approval. This is an annual report required by the state for the Equitable Sharing Agreement and Certification. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the report as presented. The Kent County Sheriff's Office Equitable Sharing Agreement and Certification report will be submitted to the state as required.

Ms. Heller presented a request received from Kyle O'Donnell, District Financial Officer, District 2, State Highway Administration, for a waiver of \$46.76 in water and sewer late fees and a blanket waiver for any future fees. Discussion took place. A motion was made by Commissioner Jacob to not waive the fees which resulted in further discussion. The motion failed to receive a second. The matter received further discussion. A motion was made by Commissioner Fithian to waive the fees associated with State Highway; the motion was seconded by Commissioner Jacob. When called for a vote, both Commissioner Jacob and Commissioner Mason opposed the motion made, therefore the motion failed. Commissioner Fithian voted in favor of the motion made.

Ms. Heller, on behalf of Barbara Jorgenson, Board President, Historical Society of Kent County, presented a request for a letter of support. The Historical Society of Kent County is applying for 2023 grant funds from the Maryland Historical Trust. If granted, the funds would enhance exhibits and digitize the documents and artifacts that are housed on the second floor of their building. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the letter as presented. The Commissioners signed a support letter for a grant application submitted to the Maryland Historical Trust on behalf of the Historical Society of Kent County.

Ms. Heller, on behalf of John Schratwieser, Director, Kent Cultural Alliance, presented a request for a letter of thanks to Rebecca Cain, Vice President of Operations, Baltimore Symphony Orchestra (BSO). The BSO performed in Kent County on August 6, 2022. On a

motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the letter as presented.

LETTERS FOR SIGNATURE

Two (2) citizen interest forms were received and forwarded to the appropriate Board and/or Committee. The Commissioners expressed their appreciation by a letter acknowledging the receipt of each interest form.

An email correspondence dated July 6, 2022, was received from a citizen regarding the mowing of Glencoe Road, Kennedyville. The Commissioners acknowledged receipt of the letter and responded in kind.

PUBLIC COMMENT

Commissioner Fithian inquired about the progress of the Police Accountability Board. Ms. Heller provided an update. Mr. Yeager provided additional information regarding requirements mandated by the State. Discussion took place.

The procedures for public comment were in effect. Brian Matthews, Executive Director, Kent Forward, inquired about a previous suggestion he made of increasing the number of Commissioners that serve on the board. Discussion took place. The Commissioners directed staff to look for earlier meeting minutes to gather additional information. Melissa McIntyre, Reporter, Kent News, suggested looking into the newspaper archives. Carol Niemand, Community Relations Liaison, Shrewsbury Parish Episcopal Church advocated for the needs of the homeless.

FOR YOUR INFORMATION

A correspondence dated, August 8, 2022, was received from Simon Kenyon, President, Friends of Eastern Neck, thanking the Commissioners for the allocation of funds and their continued support.

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.

Regular Session Minutes

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At 1:16 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 6, 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

August 23, 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.

PUBLIC NOTICE

Thomas N. Yeager, County Attorney read the following public notice into the record: Application has been made by: Fortunato P. Cristiano, President, and Robert T. Connell, Vice-President, representing Pip's Bar & Discount Liquors Inc., for a transfer of a Class A, Beer, Wine, and Liquor License with BWLT (tasting) and EXPR (delivery) on the premises known as, Pip's Discount Liquors, 861 Washington Avenue, Chestertown, MD 21620 (current address: 2 Washington Square, Chestertown), which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for off-premises consumption. A hearing on the application will be held 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 application will be heard.

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, August 9, 2022.

SPECIAL CLASS C LICENSES

Tolchester Community Association, Inc. submitted a Special Class C (Per Diem) liquor license application for Beer and Wine only. They will be holding a Fish Fry on August 27, 2022, from 5:00 p.m. to 7:00 p.m. at the Tolchester Community Center. 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 two (2) Special Class C (Per Diem) liquor license applications for the following dates and locations:

- September 2, 2022, during the First Friday event at 245 High Street, Chestertown, to sell beer and wine only from 4:30 p.m. – 8:00 p.m.
- October 1 and 2, 2022 during their annual car show at the 200 and 300 blocks of High Street, Chestertown, to sell beer and wine only from 1:00 p.m. – 6:00 p.m.

There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the applications for Main Street Historic Chestertown as presented.

ADMINISTRATIVE HEARINGS, FAILURE TO OBTAIN TRADER'S LICENSE

The first of two scheduled administrative hearings commenced at 10:12 a.m. Mr. Yeager summarized the protocol for an administrative hearing. Both violations are for failure to obtain a trader's license. Mr. Yeager recounted a similar matter that occurred in 2017 and affirmed his legal opinion is unchanged. Mr. Yeager also advised that enforcement actions by the State or any other entities, pending or otherwise, are separate from the actions of the Board of License Commissioners.

On June 27, 2022, Inspector Pearsall issued a written warning to Roopa Dusia, President, Siddhivinayak, Inc. t/a Galena Liquors, and Runit H. Dusia, President/Treasurer, Huriom Petroleum Corporation, Inc., t/a Galena Mini Mart for failure to obtain a trader's license. On July 26, 2022, Inspector Pearsall hand-delivered a request to appear for an administrative hearing to Ms. Dusia and Mr. Dusia.

Ms. Dusia was present for the hearing. Mr. Yeager explained that Mr. Dusia was not in attendance and had not requested remote participation or a postponement. Mr. Yeager swore in Ms. Dusia, Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and Sondra M. Blackiston, Clerk/KATE Manager, for testimony.

Inspector Pearsall testified on enforcement efforts to bring each establishment into compliance. Ms. Dusia provided documentation that the tax obligations owed by Galena Liquors and Galena Mini Mart have been paid to the State of Maryland. Ms. Dusia hopes each issue will be resolved quickly. Mr. Yeager provided legal guidance. The choice was available for the Board to continue the hearing at a later date. If the licensees present evidence of a valid trader's license, the continuation of the hearing would be canceled, and the matter considered closed.

On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously extended the hearing by 30 days. The administrative hearing concluded at 10:27 a.m.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Ms. Blackiston provided an update on several Special Class C (Per Diem) liquor license applications received and approved prior to the scheduled meeting date. License number 4837 was issued to Chester RiverArts for beer and wine only for a chocolate and wine pairing event on August 17th and 18th, 2022. License number 4840 was issued to St. John's Catholic Church for beer only for their annual Bull Roast on August 21, 2022. License number 4838 was issued to the Rock Hall Lions Club for a beer only beach party on August 11, 2022 for the Pirates and Wenches event. License number 4839 was issued to Sumner Hall for beer only for Legacy Day on August 11, 2022.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, September 6, 2022, at 6:00 p.m.

Liquor Minutes
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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