

August 9, 2022

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. May everyone remain safe and have an enjoyable experience at the Maryland State Fair and county fairs occurring across the state.

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 2, 2022
2. Liquor Minutes, August 2, 2022
3. Closed Session Minutes, August 2, 2022
4. Chestertown High School Alumni, Raffle Only, August 14, 2022
5. Chestertown Volunteer Fire Company, Raffle Only, August 29, 2022
6. Kent County Public Library, Certification for Cooperative Local-State Library Aid Programs FY2023
7. Environmental Operations Division, Department of Natural Resources Waterway Improvement Fund Grant, Betterton Public Landing
8. – 10. Water and Wastewater Division, Public Works Agreements:
 - Sewer Allocation, Eastern Shore Homes, Inc.
 - Sewer Allocation, Eric K. and Anda M. Heritage
 - Water and Sewer Allocation, Village at Kennedyville - Lot Carryover
11. Water and Wastewater Division, Town of Galena Water and Wastewater Treatment Facilities, Operation and Maintenance Supervisory Agreement
12. Weed Control, Project Task Agreement (PTA) KE-002 with Maryland Department of Transportation, State Highway Administration

KENT COUNTY PUBLIC SCHOOLS

Dr. Karen Couch, Superintendent, Kent County Public Schools (KCPS), was in attendance to discuss the KCPS Blueprint Implementation Coordinator. The Board of Education approved Mr. Porter's employment as the KCPS Blueprint Implementation Coordinator. Mr. Porter will be responsible for the work detailed in the Blueprint Implementation Action Plan. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommendation from Dr. Couch as presented. Thomas Porter is the Kent County Public Schools Blueprint Implementation Coordinator.

RECOGNITION

Kent Soil and Water Conservation District Cooperator of the Year. Every year the Kent Soil and Water Conservation District hosts a dinner to celebrate all the hard work producers and landowners have done to improve conservation on their farms. One producer is chosen every year that has gone above and beyond with conservation efforts to be named the Cooperator of the Year. William A. "Cody" Clark, Jr. has been chosen as the 2021 Cooperator of the Year and will be recognized on August 10, 2022. The Board prepared a certificate of recognition honoring Mr. Clark for his efforts.

EMERGENCY SERVICES

Shelley Heller, County Administrator, on behalf of Wayne Darrell, Director, Emergency Services, requested Commissioner approval of invoices that exceed departmental spending authority. These invoices are for public safety radio system console maintenance and software upgrades. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved paying the invoices to Motorola. Two invoices for maintenance and support in the amount of \$30,584.85 and annual software upgrades in the amount of \$30,584.85 will be paid to Motorola for a total amount due of \$65,631.28.

Ms. Heller on behalf of Wayne Darrell, Director, Emergency Services, presented a Memorandum of Understanding (MOU) with the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) for radio tower use. State Highway Administration (SHA) has requested the execution of an MOU with Kent County Emergency Services for the use of radio tower facilities at Massey and Morgnec Road. The Office of Emergency Services operates a County owned VHF radio system on both towers. The VHF radio system is used for fire department paging. The MOU requires Kent County to pay 50% of propane and 25% of electricity costs at both locations. SHA has estimated those costs at approximately \$10,000.00. The Office of Emergency Services, Fire/EMS budget contains \$21,000.00 for fire department radio services. Required funding could come from that source. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Memorandum of Understanding as requested. The County Emergency Services department will enter into a Memorandum of Understanding with the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) for radio tower use at the Massey and Morgnec Road locations.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development, and Susan O'Neill, Executive Director, Upper Shore Regional Council were in attendance to present projects for 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 for each Rural Regional Council will be made available to address key issues like infrastructure, broadband, and workforce. On May 26, 2022, the County Commissioners agreed the Department of Economic and Tourism Development would collect project submissions and provide them to the County Commissioners for consideration before sending them to the Upper Shore Regional Council (USRC) for their review. The USRC will submit the final application to

the Maryland Department of Commerce for final approval of funding. Twelve applications were received. The County Commissioners will need to select projects for the \$2.9 million allocated to Kent County. At the June 7, 2022, meeting the Commissioners discussed four priority projects based on economic impacts, county priorities, and alignment with approved planning documents. Discussion took place regarding four projects. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners by majority approved to submit 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. Commissioner Mason opposed the motion made. Three infrastructure projects will move forward to the Upper Shore Regional Council to be included with the grant application for the Rural Maryland Economic Development Fund to the Maryland Department of Commerce. The three projects come to a total cost of \$3,599,000.00, this is over budget by \$699,000.00 from the amount awarded to the County of \$2.9 million. The additional cost to complete the projects will not be funded by the Rural Maryland Economic Development Fund, staff will make recommendations of County funding sources that will cover the additional cost of the projects.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented a request to approve the use of contingency funds to pay the final invoice for Fisher Environmental. Asbestos was found in the insulation that was wrapped around the heat pipes at the courthouse when the Clerk of Courts offices was renovated and relocated. The project funds were initially allocated from the FY2022 budget. One invoice was received and paid during that time frame. The second phase of the work was delayed due to coordination with the State General Services. The remaining balance was not rolled over into the FY2023 budget. A second invoice was received for \$11,291.00 which included a change order in the amount of \$1,938.00 for the removal of asbestos insulation around exposed heat pipes. Contingency funds are requested for \$11,291.00 to cover the cost of the final invoice received. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the use of contingency funds as requested. Contingency funds for \$11,291.00 will be used to pay the final invoice for Fisher Environmental for the asbestos abatement at the courthouse.

Mr. Moulds presented a request for funds to purchase a 2005 JCB Telescopic Boom Loader for the Environmental Operations Division. During the FY2023 budget process, it was determined that the telescopic boom loader needed to be replaced. A total of \$107,000.00 was budgeted for the purchase of the new equipment. Chesapeake Supply & Equipment Company provided a price quote under the Sourcwell Contract #040319-JCB for \$112,303.60. This quote is \$5,304.00 over the original budgeted amount. Mr. Moulds requested the transfer of \$5,304.00 from the Environmental Operations' capital budget funds to subsidize the contract price. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the funds as requested. Funds from the Environmental Operations budget for \$5,304.00 will be added to the budgeted amount of \$107,000.00 for the purchase of a 2005 JCB Telescopic Boom Loader from Chesapeake Supply & Equipment Company under the Sourcwell Contract #040319-JCB for a total amount of \$112,303.60.

Mr. Moulds introduced Jessica Coleman to the Board. Ms. Coleman has recently joined the Public Works department as the new Procurement Manager. The Commissioners welcomed Ms. Coleman to the County.

Mr. Moulds presented an update on stabilizing the Granary located at Turner's Creek. An initial quote was received for \$22,412.00. Discussion took place. The Commissioners recommended staff reach out to the Historic Preservation Commission for advice regarding the Granary and its historical value and any recommendations.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Wayne Darrell, Director, Emergency Services, presented two personnel requests. The first request is to fill the vacant Emergency Medical Technician Basic (EMT-B) position at the recommended grade salary. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended candidate to fill the vacant EMT-B position in the Office of Emergency Services as requested, pending the successful completion of County pre-employment requirements.

The second request is to promote an employee to the vacant Paramedic Supervisor position, at the recommended rate. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved promoting the applicant to the vacant Paramedic Supervisor position, as requested.

COUNTY ADMINISTRATOR

Shelley Heller, Administrator, gave an update on the shuttle service being provided by Delmarva Craft. The shuttle provides services to Chestertown, Rock Hall, and Tolchester. The services continue to gain more and more use the longer the shuttle is in operation.

Ms. Heller stated a correspondence dated July 6, 2022, was received from Alison MacKenzie, a citizen, requesting to eliminate the mowing of Glencoe Road in Kennedyville. The staff does not recommend eliminating the mowing of Glencoe Road. Mr. Moulds provided additional information regarding the request. Discussion took place. The Commissioners directed staff to continue to mow Glencoe Road and requested a response letter be sent to Ms. MacKenzie.

Ms. Heller stated a letter was received from the daughter of a property owner, who recently passed away, requesting a refund of interest and penalty fees assessed to her mother's property taxes. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners by majority approved the request for the refund. Commissioner Mason opposed the motion made. A refund of County assessed interest and penalties will be given, the interest and penalty fees assessed from the State and Municipality will not be refunded by the County.

COUNTY ADMINISTRATOR REPORT

Ms. Heller stated an email correspondence dated July 18, 2022, was received from Kim Righi, Restoration Manager, ShoreRivers, informing the Commissioners that funding was

awarded through the Department of Natural Resources (DNR) for the stream restoration on Turners Creek. A total amount of \$802,750.00 in funds were awarded for the project.

Construction is scheduled to begin this Fall once all permits are in hand. Ms. Righi thanked the Commissioners for their letter of support, it helped ShoreRivers obtain the funds for this project. Ms. Righi also supplied updated details of the project for the Commissioners to review.

PUBLIC COMMENT

The procedures for public comment were in effect. No remarks were received.

FOR YOUR INFORMATION

A correspondence dated July 27, 2022, was received from Stephanie Gosman, Chairman, Museums of Kent County, thanking the Commissioners for the allocation of funds and their continued support.

A correspondence dated July 19, 2022, was received from Ann Gutierrez Carlson, Conservation Easement Program Manager, Maryland Environmental Trust, informing the Commissioners that Green Point Farm, L.L.C proposes to convey perpetual conservation easements on three of its properties located in Kent County to the Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc.

A correspondence dated July 29, 2022, was received from Philip Parish, a citizen, conveying his frustration with the new waste disposal policy. The Commissioners responded in kind.

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 2, 2022, is \$360,000.00, and FY2023 has had no use of Fund Balance to date.

At 11:15 a.m. a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 23, 2022, 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

August 9, 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 S. 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 2, 2022.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) stated that she conducted a routine inspection of 98 Cannon. A written warning was issued in violation of the Maryland Annotated Code, Alcoholic Beverages article, Section 24-1903 Alcohol awareness program. Three establishments were previously warned for not following current business licensing requirements: Galena Liquors and Mini Mart, and The Kitchen at the Imperial, LLC. Letters dated July 26, 2022, to each establishment notified each licensee that failure to provide proof of a valid trader's license will result in an administrative hearing. The Kitchen at the Imperial reached compliance on July 27, 2022. Currently, two administrative hearings remain on the schedule for August 23, 2022.

Inspector Pearsall reported that she completed ten (10) tobacco compliance rechecks at County retail establishments licensed to sell tobacco and electronic cigarettes/products. Rechecks must be completed between thirty (30) and sixty (60) days from the date of violation. Each establishment was successful in being compliant and not selling any cigarettes/products to a minor. In addition, a new business, Smoke Needs, also passed its first compliance check. In total, eleven (11) compliance checks were completed. Lastly, the Board was provided a copy of a letter dated August 2, 2022, sent to Thomas Akas, Director, Legal and Legislative Division of the Alcohol and Tobacco Commission (ATC). Shore Stop of Rock Hall Store 221, Acme Store 849, and BP Gas trading as Chestertown Citgo were referred to the ATC for the unlawful sale of tobacco products to a minor on more than one occasion in a 24-month period.

LICENSE UPDATE

Inspector Pearsall stated on August 1, 2022, a closeout inspection was conducted with Robert Dennis Hager, President of 401 Cypress, LLC trading as Two Tree Restaurant. No alcoholic beverages were found on the premises and License No. 4814 was surrendered. Having met all the requirements, a prorated refund was issued per Alcoholic Beverages Article §24-1408. The transaction will be recorded in the monthly report of retail license activity given to the Comptroller of Maryland.

Liquor Minutes

August 9, 2022

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There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 23, 2022, 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