

August 3, 2021

A work session was held at 3:00 p.m. to discuss the transportation needs of Kent County. The following attended the work session: Commissioner P. Thomas Mason; Commissioner Ronald H. Fithian; Commissioner Robert N. Jacob, Jr.; Shelley L. Heller, County Administrator; Dawson Hunter, Transportation and Housing Coordinator, Kent County Local Management Board; Santo Grande, CEO/President, Andy Hollis, Deputy Director, Keith Adkins, Transit Coordinator, and Mary Handley, Transportation and Mobility Manager, Delmarva Community Transit (DCT); Bill Webb, Health Officer, Kent County Health Department; Muriel Cole, Co-Chair, Commission on Aging; Gary Gunther, Executive Director, Upper Shore Aging, Inc.; Scott Warner, Executive Director, Mid-Shore Regional Council; Beth Everett, Executive Director, United Way of Kent County; and Rick Carter, Delmarva Craft.

The work session concluded at 4:51 p.m.

A meeting of the County Commissioners of Kent County was called to order at 6:01 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 to think about the Country's government and congress, may they have togetherness and continuity in our great Country.

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, July 20, 2021
2. Liquor Minutes, July 20, 2021
3. Public Hearing Minutes, July 20, 2021
4. Closed Session Minutes, July 20, 2021
5. Tolchester Community Association, Inc., Raffle Only, August 7, 2021
6. Chestertown High School Alumni, Raffle Only, August 8, 2021
7. Galena Volunteer Fire Company, Inc., Combined Gaming, September 25, 2021

### **PUBLIC HEARING – CODE HOME RULE BILL NO. 9-2021, AGRICULTURE ADVISORY COMMISSION**

A public hearing was held on the following: Code Home Rule Bill No. 9-2021, Agriculture Advisory Commission. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

### **MARYLAND ASSOCIATIONS OF COUNTIES (MACo)**

Wilbur Levengood, Caroline County Commissioner and President, and Michael Sanderson, Executive Director, Maryland Association of Counties (MACo), were present to share the 2021 legislative session snapshot and to hear from the Commissioners about their needs and interests for the coming year. Mr. Sanderson discussed broadband initiatives, school funding to include Kirwan, and law enforcement reforms.

### **CIRCUIT COURT FOR KENT COUNTY, MARYLAND**

Sherise Kennard, Clerk of Court for Kent County, joined by Harris P. Murphy, Administrative Judge, Circuit Court for Kent County were present to discuss the replacement of the carpet in the Circuit Court Clerk's office. Ms. Kennard stated the State of Maryland has offered to move and replace all workstations in the Clerk's office, during the carpet replacement process.

Shelley L. Heller, County Administrator, on behalf of Mike Moulds, Director, Public Works, offered discussion points concerning the proposed carpet replacement. Ms. Heller stated the Clerk of Courts initially requested funding for replacement of carpet for their office and submitted a quote for installation. To comply with County procurement requirements, Public Works completed a Request For Proposal (RFP). The lowest responsible quote was in the amount of \$16,909.43. The initial work to remove the glued down carpet resulted in removal/tearing of the underlayment vinyl tile. Compliance with asbestos standards, the tiles were tested and confirmed to contain asbestos. Work was halted as further installation would require asbestos remediation. Initial quotes for the asbestos removal ranged from \$31,154.73 to \$38,593.29. Discussion took place. Commissioner Mason suggested asking the State to consider paying for the carpet if the County were to complete the asbestos abatement. Ms. Kennard stated she will propose the suggestion to the State. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously authorized up to \$40,000.00 for the asbestos removal in the Courthouse if the State provides the new carpeting.

### **CLEAN CHESAPEAKE COALITION**

Charles MacLeod, Attorney, MacLeod Law Group, LLC, and General Counsel for Clean Chesapeake Coalition was present to discuss the Coalition's FY2022 Scope of Work and proposed budget. The County had opted not to pay into the Clean Chesapeake Coalition for the FY2022 budget. Discussion took place. Commissioner Fithian made a motion to remain in the Clean Chesapeake Coalition and pay the FY2022 dues. No second was made to the motion and without a second the motion died.

### **HUMAN RESOURCES**

Marty Hale, Director, Human Resources, on behalf of Herbert Dennis, Warden, Detention Center, presented a recommendation to promote a Correctional Officer to a Correctional Officer Corporal. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request.

## **COUNTY ADMINISTRATOR**

Ms. Heller, on behalf of Pat Merritt, Chief Finance Officer, Office of Finance, presented Shore United Bank documents for signature. The bank discovered missing documents while closing its files. No action by the Board is necessary, approval had previously been granted on May 26, 2020 to refinance existing debt.

Ms. Heller, on behalf of Marty Holden, Division Chief, Environmental Operations, Public Works, presented a request to purchase one (1) new 38-yard trash compactor, under the NJPA/Sourcwell Contract No. 041217-WQI in the amount of \$27,390.77. This will replace a compactor that is over ten (10) years old. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the Mid-Atlantic Waste Systems' price quote for the purchase of a self-contained trash compactor.

Ms. Heller, on behalf of Mr. Moulds, presented the State Fiscal Year 2022 Letter of Agreement (LOA) between Maryland Department of Transportation State Highway Administration (MDOT SHA) and Kent County for Weed Control for the application of herbicides to Noxious Weeds on SHA roadways in an amount not to exceed \$5,300.00 for a five (5) day period through August 30, 2021. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the LOA as presented.

Ms. Heller, on behalf of Mr. Moulds, presented the Maryland Department of Agriculture FY2022 Cooperative Weed Control Agreement. Ms. Heller explained the Maryland Department of Agriculture provides technical support for the County Noxious Weed Control Program through an annual Cooperatives Agreement. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Agreement as presented.

Ms. Heller, on behalf of Mr. Moulds, presented fifteen (15) Enterprise Fleet Management Leases. Ms. Heller stated during the FY2022 budget process, several Enterprise Lease agreements were discussed. Nine (9) County vehicles are due to be replaced, these vehicles are already in the fleet, and the focus will be on replacing trucks as there is a shortage of trucks, per the manufacturers. Also, included for approval were six (6) vehicle leases for Kent County Public Schools (KCPS) as the KCPS uses the County's lease program for their vehicles. Staff recommends approval of nine (9) County vehicles and six (6) KCPS vehicles. On motion by Commissioner Fithian and seconded by Commissioner Jacob the Commissioners unanimously approved the lease agreements as presented.

At their January 5, 2021, the Commissioners by majority approved a request to purchase a piece of County-owned land on Kelleys Park Road in the amount of \$8,000.00. At their March 9th meeting, the Commissioners by majority approved the Agreement for the Purchase and Sale of Property to and from William R. and Valerie L. Ashmore. Ms. Heller presented a request to allow Commissioner Mason to sign the deed, the settlement sheet, and any other documents necessary during the settlement process and procedure for the sale of a portion of the public landing property pending legal review. On motion by Commissioner Fithian and

seconded by Commissioner Jacob, the Commissioners unanimously authorized Commissioner Mason to sign the closing documents for the transaction to be complete.

Ms. Heller, on behalf of Shelly Neal-Edwards, Director, Kent County Department of Social Services Advisory Board, presented a request to appoint a member to the Board. A member resigned leaving a vacancy. Dr. Angela Holocker has been nominated to fill the vacancy (unexpired term) ending on October 31, 2023. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the suggested nominee.

### **COUNTY ADMINISTRATOR REPORT**

Ms. Heller, on behalf of April Bitter, Project Manager, Information Technology, reported an amendment to the Broadband Infrastructure Contract with Talkie Communications, Inc., was made and signed by Commissioner Mason at the July 20, 2021 meeting. The original price for the Colonel Leonard Project was \$96,763.00. Talkie Communications, Inc. has revised the price for that project to \$96,723.00.

Ms. Heller, on behalf of Mr. Mackey, reported a funding increase to a Critical Area Commission for the Chesapeake and Atlantic Coastal Bays Grant-In-Aide Program, Grant Agreement PO. No. K00P2600034 for Kent County. This increase changes the grant funding amount from \$4,000.00 in FY2021 to \$6,000.00 for FY2022. Commissioner Mason signed the Grant Agreement at the July 20, 2021 meeting.

### **LETTER FOR SIGNATURE**

Tracey Williams, Member, Kent County Department of Social Services Advisory Board, has resigned from the Board. A thank you letter was presented for the Board's signature.

### **PLANNING, HOUSING, AND ZONING**

Mr. Mackey summarized the member composition of the Agriculture Advisory Commission. Mr. Mackey stated five (5) members terms have expired and wish to be reappointed. One (1) member prefers not to be reappointed, one (1) member has resigned (leaving a vacancy), and one (1) new appointment was requested. Mr. Mackey presented the following members for reappointment: John "Buddy" Cahall and Herman E. Hill, Jr., with terms expiring December 31, 2022; Jennifer Debnam, Sean Jones, and John Henry Myers, Jr. with terms expiring December 31, 2024; and the appointment of Valerie Mason, for a term expiring December 31, 2023. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved to appoint the recommended candidates to the Agriculture Advisory Commission to serve with staggered terms, as set forth in the recommendation, with terms ending on December 31 in 2022, 2023, and 2024.

### **PUBLIC COMMENT**

The procedures for public comment were in effect. The public was invited to participate. Captain Robert Newberry, citizen, spoke regarding the Clean Chesapeake Coalition discussion. Patsy Reihl, citizen, spoke on the continuity of the Commissioners meetings.

### **FOR YOUR INFORMATION**

Commissioner Mason was addressed on a correspondence dated July 15, 2021, received from Craig Kuhn, Program Manager FPM, Office of Plant Industries and Pest Management, Maryland Department of Agriculture. The correspondence included a copy of the 2020 Gypsy Moth Survey Report for Kent County. The results of the report show low gypsy moth populations during the fall and winter months. Treatments have kept the gypsy moth population down throughout much of the State including Kent County.

Commissioner Mason was addressed on a correspondence dated July 21, 2021, received from Susan O'Neill, Executive Director, Upper Shore Regional Council (USRC). The USRC expressed how grateful they were for the continued support from the Commissioners and gave an update regarding the organization. The correspondence included an invoice for Kent County's contribution to the USRC's operating budget for FY2022 in the amount of \$12,000.00.

### **CONTINGENCY FUND**

The FY2022 Contingency Fund balance as of July 6, 2021, is \$400,000.00 and the use of fund balance total is \$69,932.00.

### **CLOSED SESSION**

At 7:53 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) (7) To consult with counsel to obtain legal advice, and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

### **LEGAL AND PENDING OR POTENTIAL LITIGATION**

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning; Sondra M. Blackiston, Clerk/KATE Manager; Sallie Watson, Deputy Clerk II; and Lacey T. Cox, Deputy Clerk I, were in attendance.

Topics to be discussed: To discuss the legal opinion of the County Attorney concerning potential litigation matter.

Reasons for closing: Legal advice from the County Attorney is private to the public, and to shield specific details of potential/ongoing litigation.

Mr. Yeager, Mr. Mackey, and the Commissioners engaged in a discussion regarding an ongoing legal matter, and Mr. Yeager provided legal advice and a response to the matter.

At 8:06 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and carried unanimously to adjourn the closed session and reconvene in open session.

### **OPEN SESSION**

Commissioner Jacob summarized the closed session discussion regarding settlement to litigation. The Commissioners continued ongoing discussions regarding a potential settlement with Morgnec Road Solar, LLC. Staff and counsel have been advised to continue the discussions. No action was taken.

At 8:06 p.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 24, 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

August 3, 2021

**PUBLIC HEARING**

County Commissioners P. Thomas Mason, Presiding, Ronald H. Fithian and Robert N. Jacob, Jr., were in attendance as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; and Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

The rules for a public hearing were in effect.

**CODE HOME RULE BILL NO. 9-2021 AGRICULTURE ADVISORY COMMISSION**

The public hearing commenced at 6:06 p.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing 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.

Thomas N. Yeager, County Attorney read the public hearing notice into record and summarized the intent of the legislation. Bill Mackey, Director, Planning, Housing, and Zoning testified on the change of the legislation. Citizens were invited to comment on the proposed legislation, no comments were received during the comment period and no citizens testified in person or on the phone.

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously closed the public hearing.

Written comments will be accepted in the County Commissioners' Office until Friday, August 6, 2021, at 12:00 p.m. The ordinance may be considered for a vote on Tuesday, September 7, 2021. The public hearing adjourned at 6:11 p.m.

Respectfully submitted,

Sondra M. Blackiston  
Clerk/KATE Manager

Approved:

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

August 3, 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.

### **PUBLIC NOTICE**

Sondra M. Blackiston, Clerk/KATE Manager read a public hearing notice: Application has been made by members: Donna Legg and Tori Bershon representing The Backfin for a Class A, Beer, Wine, and Liquor License on the premises known as, The Backfin, 5707 Caroline Avenue, Rock Hall, MD 21661, 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 said application will be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on August 24, 2021, at 10:00 a.m. at which time any exceptions to the application will be heard.

### **CONSENT ITEM**

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 20, 2021.

### **SPECIAL CLASS C LICENSES**

Galena Volunteer Fire Company has applied for a Beer, Wine, and Liquor Special Class C Multiple Event License to cover twelve (12) events for calendar year 2021.

Tolchester Community Association, Inc. has applied for a Beer and Wine Special Class C per diem license for an event to be held on August 7, 2021, at the Tolchester Community Association Center.

Rock Hall Lions Club has applied for a Beer only Special Class C per diem license for an event to be held on August 14, 2021, at Ferry Park in Rock Hall.

Mr. Yeager stated the applications have been reviewed and all meet the requirements to be granted a multiple event or per diem license. There being no objections, on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Special Class C Licenses as presented.

### **KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)**

A memorandum dated July 16, 2021, was received from Sallie Watson, Deputy Clerk II, regarding a license update. At their May 25, 2021 meeting, the Commissioners approved a Class B, Beer, Wine, and Liquor License with Caterer's Privilege to Watershed on High, LLC,

contingent upon receiving their Kent County Health Department Food Service License. On July 15, 2021, the applicants received their Food Service License and on July 16, 2021, License No. 4723 was issued.

Ms. Blackiston presented a request to modify a liquor license. A license modification application was received by James Brawner, CEO and Chairman of Brawner Company, Inc., owner of Haven Harbour Marina. Mr. Brawner wishes to remove Dorothy Wetmore and add Sarah Ulrick to Alcoholic Beverage License No. 4677 for Haven Harbour Marina, LLC. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the modification application for Haven Harbour Marina, LLC.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 24, 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