

July 25, 2023

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m. with the following present: Ronald H. Fithian, President, Albert H. Nickerson, and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked the audience to remain standing for a moment of silence and keep everyone in our prayers, it is going to be a hot week next week and we want everyone to stay safe.

Shelley L. Heller, County Administrator, was also present.

PUBLIC NOTICE

Commissioner Fithian read the public notice into the record. Notice is hereby given that the Commissioners of Kent County will hold a public hearing for the Code Home Rule Bill 3-2023, Arts and Entertainment District Property Tax. on August 8, 2023, at 10:00 a.m. in the Commissioners' Hearing Room, of the R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. Code Home Rule Bill No. 3-2023: AN ACT to amend Chapter 152 Taxation to add Article XI Arts and Entertainment District Property Tax Credit to the Code of Public Local Laws of Kent County, Maryland for the purpose of authorizing a certain property tax credit for certain business entities that obtain certain new, improved, or expanded premises in a certain Arts and Entertainment District in Kent County; providing for the amount and duration of the property tax credit; authorizing the County Commissioners of Kent County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Kent County for real property located in a certain Arts and Entertainment District. The agenda for the meeting will be published online 24 hours in advance of the meeting at www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, please contact the County Commissioners' Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, August 4, 2023. A complete copy of the proposed legislative bill is available in the Commissioners' Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com/commissioners/draft-legislation.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, July 18, 2023
2. Liquor Minutes, July 18, 2023
3. Rock Hall Volunteer Fire Company, Combined Raffle, July 29, 2023
4. Betterton Volunteer Fire Company, Raffle Only, August 5, 2023
5. Rock Hall Volunteer Fire Company, Raffle Only, September 2, 2023

PROCLAMATION

2023 National Night Out: Rosemary Ramsey Granillo, Director, Local Management Board, explained National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, and more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances. Millions of neighbors take part in National Night Out across thousands of communities from all fifty states, U.S. territories, and military bases worldwide on the first Tuesday in August. Commissioner Nickerson read the proclamation into the record. Paul Tue and Doncella Wilson of Minary's Dream Alliance, and Michelle Morgan, Program Coordinator, Parks and Recreation were also in attendance to receive the proclamation.

APPOINTMENTS

Upper Shore Aging, Inc.: Andrew Hollis, Executive Director, Upper Shore Aging, Inc., presented the FY2024 Annual Senior Care Program Plan. The Plan is an annual form the Commissioners have executed in past years. Upper Shore Aging (USA), Inc., provides services to Kent County senior citizens on behalf of the County Commissioners. Currently, there are forty clients in the program receiving services and USA is working on ten referrals from Kent County Health Department. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Annual Senior Care Program Plan as presented by Mr. Hollis.

Eastern Shore Land Conservancy: Owen Bailey, Director, Land Use and Policy, Eastern Shore Land Conservancy (ESLC), gave an update and presentation regarding a tool ESLC plans to use to measure land value and returns on investments. Mr. Bailey requested a letter of support from the Commissioners to submit with future grant applications. Discussion took place. No action was taken.

MacLeod Law Group, LLC: Lance M. Young, Esquire, MacLeod Law Group, LLC; Chris Myer, Property Manager and George Harms, Owner, of The Wharf at Handy's Point; and Buck Nickerson, Surveyor, Extreme Measures Land Surveying; were present for a discussion regarding The Wharf at Handy's Point. Mr. Young presented an old survey of the property done by William R. Nuttle, Surveyor, and an aerial map of the property dated 2000. Mr. Young requested the Commissioners to take one of the following for action: 1) move forward with the re-zoning process, whether it be all at once or done in sections, 2) agree a mistake was made in 2002, and administratively state this was a mistake and correct it by drawing a new line, or 3) go through the normal mistaken zoning process. Bill Mackey, Director, Planning, Housing, and Zoning; gave an overview of the departments' documents, decisions, and procedures. A lengthy discussion took place. Commissioner Price stated that if, in fact, we are wrong, it makes sense to vote to allow the process to move forward by correcting the drafting error and considering it as a mistake. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to allow the process to move forward by correcting the drafting error back in 2000, to consider that it appears to be a mistake, with no evidence to say that it was not.

KENT COUNTY DETENTION CENTER

Steve Wallace, Captain, and Monaca Stickland, Officer and Administrative Specialist, Kent County Detention Center, presented the FY2024 Mid Shore Behavioral Health contract for Renewal and Extension. Mid Shore Behavioral Health (MSBH) provides funding to help pay for the cost of mental health services at the Kent County Detention Center. In the past, MSBH has paid the medical provider directly. In FY2024, MSBH will pay the County directly and in turn, the County will pay the medical provider. The FY2024 cost for mental health services is not-to-exceed \$51,625.00, paid in monthly installments. The term of the contract is July 1, 2023, to June 30, 2024. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the contract with Mid Shore Behavioral Health in the amount of \$51,625.00.

INFORMATION TECHNOLOGY

Scott Boone, Director, Information Technology, requested approval to purchase switches with five (5) years of support from Alliance Technology Group. Five (5) years of licensing, support, and cloud management are included in the operating budget and will be prepaid. Kent County Information Technology (KCIT) reviewed the original quote and requested to have some adjustments made. Capital expenses were reduced but the licensing cost increased. KCIT requested to reallocate departmental funds to cover the difference in cost. The project will be under budget by \$1,135.00. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the purchase of switches with five (5) years of support from Alliance Technology Group for an amount of \$35,165.00 and reallocate \$2,380.00 from IT Capital funds to Operating funds as well as piggyback off MD DOIT Contract No. 060B2490022.

Commissioner Nickerson thanked the IT Team for all the help at the Kent County Fair Grounds. There was an accident that caused all internet access equipment to stop working; service was restored within 24 hours.

HUMAN RESOURCES

Jim Miller, Director, Human Resources, requested approval to hire the recommended candidate to fill the Administrative Specialist I, vacancy in the Kent County Local Management Board department. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate to fill the Local Management Board Administrative Specialist I vacancy, pending successful completion of county pre-employment requirements.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented the following items for consideration:

Water and Wastewater Division:

1) Millington Wastewater Treatment Plant (WWTP): The proposed grant is for the project's design phase, including permitting and property acquisition. In addition to the new treatment facility location, the project also includes the demolition of the existing Millington WWTP, the construction of a new flood-protected pump station at the plant, and the force main piping to convey existing flows to the new treatment plant. The proposed design capacity is 350,000 gallons per day with Enhanced Nutrient Removal (ENR) effluent discharge to the Chester River. The County FY2024 budget includes \$184,000.00 in matching funding for the project. Mr. Moulds requested approval to sign the Memorandum of Understanding (MOU) with the Upper Shore Regional Council (USRC) for an economic development grant in the amount of \$1,081,000.00 for the expansion of the Millington wastewater treatment facilities. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the Memorandum of Understanding with the Upper Shore Regional Council for an economic development grant in the amount of \$1,081,000.00 for the design of the Millington wastewater treatment plant.

2) Worton Water and Sewer Extension: The proposed grant is for the design and construction of a water and sewer main extension to bring service to properties identified in the Worton Industrial Service District. The lines will extend from the current terminus on MD 297 at the Animal Care Shelter to the railroad crossing on Mary Morris Road. The project will include a pump station on Mary Morris Road. The County FY2024 budget includes \$162,000.00 in matching funds for the project. Mr. Moulds requested approval to sign the MOU with the USRC for an economic development grant in the amount of \$1,532,000.00 for the design and construction of a water and sewer extension for the Worton Industrial Service area. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the Memorandum of Understanding with the Upper Shore Regional Council for an economic development grant in the amount of \$1,532,000.00 for the extension of water and sewer facilities in the Worton Industrial Service area.

Engineering:

Betterton Public Landing Improvements: At the request of the Town of Betterton and support of the Commissioners, the Department submitted a funding request for \$20,000.00 to the Department of Natural Resources (DNR) for a Waterway Improvement Fund Grant. These funds will be used to perform an engineering evaluation that will help identify recommendations for improving safe access for boaters to the Betterton Public Landing. The Landing's use has limitations due to exposure to wave action and migration of sand. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the signing of the Department of Natural Resources Waterway Improvement grant agreement in the amount of \$20,000.00 for 100% funding of the Betterton Public Landing Preliminary Engineering Study to enhance access to public boating opportunities and improve boater safety. Commissioner Fithian signed Grant #LG-1424B-24.

Engineering – Building Maintenance:

400 High Street Fascia/Cornice Repairs: Contract # 23BMHSCF7023 was awarded by the County Commissioners to KRM Construction on May 9, 2023. The scope of the contract

includes evaluation of existing deterioration to the cornice/fascia system, development of a construction and manufacturing detail for a replacement system to match the existing cornice and fascia, manufacturing of the replicated product, and all costs associated with installation. The subject contract is in the amount of \$53,522.00 and efforts have begun by the contractor to develop the detail and manufacture the product. It was anticipated that the project would be completed within FY2023. However, the project experienced delays related to personnel changes at KRM, the necessity of further evaluation, 3D imaging, manufacturing of the product, and material availability. The project is now anticipated to be completed in September. The nature and timing of these delays resulted in the Department of Finance being unable to adjust the FY2024 budget to incorporate funding as well. To date, no invoices have been received, and therefore no payments have been made, toward the \$53,522.00 contract amount. The result of these circumstances is that the previously awarded contract is not funded within the FY2024 budget. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of contingency funds in the amount of \$53,522.00 to make necessary repairs to the County Government Building exterior fascia and cornice.

Orem Field:

Worton Park - Orem Field LED Lighting Upgrade, Additional 15-year warranty (25-year total): Contract #23PROFLU1123 was awarded to Musco Sports Lighting on May 9, 2023. The contract includes replacement/upgrade of the existing sports lighting at Orem Field, in Worton Park, and included a 10-year warranty. The vendor's proposal included an optional extended warranty of 15 years, for a total warranty of 25 years. The additional warranty was not approved as part of the initial funding, as the total amount would have exceeded the Program Open Space (POS) grant funding for this project. The Department worked with Parks and Recreation for additional grant funding to obtain the full 25-year warranty. This request was approved. The additional warranty cost is \$11,922.00, and 90% of this cost will be funded by the POS grant program. The remaining 10% (\$1,192.20) will come from FY2024 budgeted electric funds by anticipated savings from the use of more efficient LED lights. There is no proposed change to the scope of work for this project; only the length of the warranty is proposed to increase. Staff recommends approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the purchase of an additional 15-year warranty, offered by the vendor Musco Sports Lighting, for the Orem Field Lighting Upgrade project.

Environmental Operations Division:

Nicholson Landfill Groundwater Treatment Facility Project: The USDA State Engineer has given preliminary concurrence on the engineering agreement for the construction management of the groundwater treatment facility project. Once a fully executed document is received, a formal concurrence will be provided. This will allow the cost of the construction management to be covered by the loan. Mr. Moulds requested approval to sign an amendment to the existing Owner-Engineer agreement to include construction management services for the Nicholson Groundwater Treatment System Project. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Amendment No. 1 to the Owner-Engineer Agreement with Dawood

Engineering for construction management services associated with the Nicholson Groundwater Treatment Facility construction in the amount of \$293,315.06.

Building Maintenance:

Circuit Court Assignment Office Air Conditioning: Two (2) Packaged Terminal Air Conditioner (PTAC) Units within the Jury Assignment Office of the Circuit Court are not operational. These units have been evaluated by maintenance staff as well as Johnson Controls (JCI) and it has been determined that they are not repairable; therefore, replacement of the units is required to provide air conditioning in this office. The current contract with JCI has been reviewed and the subject units are not covered, therefore a proposal has been prepared by Johnson Controls for the replacement of these units. The total cost of the proposal is \$23,949.00, a copy was available for reference. The replacement of the units is not included in the FY2024 County Budget, and therefore contingency funds are requested to pay for the cost of the project. Mr. Moulds requested approval of the Johnson Controls proposal "Kent County Courthouse PTAC Units 7-14-23" for the replacement of two (2) PTAC Units. The total project cost of \$23,949.00 to be funded via contingency. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the proposal from Johnson Controls for the replacement of PTAC units within the Circuit Court Assignment Office with funding from County Contingency Funds.

Commissioner Price stated Judge Harris Murphy asked for an update on the courthouse landscaping project. Mr. Moulds stated the building maintenance staff tries to keep up with mowing the grass and weeds. Commissioner Price asked Mark Dixon to get pricing on mulch for the courthouse. Mr. Dixon provided a cost estimate of \$1,000.00 for the mulch. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to allow Mr. Moulds to spend \$1,000.00 on mulch and staff to mulch the courthouse grounds in its entirety.

Mr. Moulds gave an update on the sewer connections on Lover's Lane. The much-needed supplies are now available, and the process will be moving forward. Staff started the work today, July 25th, and expects to be completed by the end of the week.

PUBLIC COMMENT

The procedures for public comment were in effect. Comments were offered by: Dr. Karen Couch, Superintendent, Kent County Public Schools. Dr. Couch gave an overview of the current projects and summer programs offered at all three elementary schools and the middle school. Dr. Couch informed the Commissioners of a change in leadership at the Kent County Middle School, Mark Buckle will be the new Principal, and Kelley Melvin will be the new Assistant Principal.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

A copy of the ARPA Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2024 Contingency balance as of July 11, 2023, is \$400,000.00. No use of Fund Balance has been requested to date.

At 11:44 a.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 1, 2023, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland

July 25, 2023

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, Albert H. Nickerson, and John F. Price.

Shelley L. Heller, County Administrator, and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 18, 2023.

SPECIAL CLASS C LICENSE

Betterton Volunteer Fire Company applied for a Beer and Wine Special Class C per diem liquor license. The event is scheduled for August 4-5, 2023, from 4:00 p.m. to 9:00 p.m. at Betterton Beach, Betterton Maryland during the Betterton Beach Weekend. The application was reviewed and met the requirements for an event license approval. There being no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Class C liquor license application.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement gave an update on Tobacco Compliance Checks. Inspector Pearsall conducted the second round of tobacco inspections required for FY2023. Three (3) establishments sold to an individual under 21 years of age. Citations were issued to each establishment in violation. Millington Dollar General received a citation for \$300.00 for a first offense. Galena Mini Mart received a citation for \$1,000.00 for a second offense. Sassy River Market received a citation for \$300.00 for a first offense. The establishments will need to be inspected again within 30-60 days of the infraction.

At 11:44 a.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 1, 2023, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston,
Clerk/KATE Manager

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland